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Canada Dept. of Labour

LEGISLATIVE REVIEW

NUMBER 3
JUNE 30, 1974



**Labour
Canada**

Legislative
Research

**Travail
Canada**

Recherches sur
la législation

*Can. Dept. of Labour.
Legislative review*

LEGISLATIVE REVIEW

**NUMBER 3
JUNE 30, 1974**



CANADA DEPARTMENT OF LABOUR
LEGISLATIVE RESEARCH BRANCH

Hon. John Munro, Minister
T.M. Eberlee, Deputy Minister

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DEVELOPMENTS IN THE ENACTMENT AND
ADMINISTRATION OF LABOUR LAWS
IN CANADA

July 1973 - June 1974*

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I. APPRENTICESHIP AND TRADESMEN'S QUALIFICATIONS

1. During the twelve months preceding June 30, 1974, the federal jurisdiction and seven provinces made changes in regulations under the various apprenticeship and occupational training acts. The changes, for the most part, consisted of new rates for apprentice tradesmen, new standards and training programs for some trades, and the addition of new trades to those falling under the provisions of the relevant apprenticeship acts.

Occupational Training

2. In the federal jurisdiction, a new regulation under the Adult Occupational Training Act raised the weekly allowances for those enrolled in occupational training programs. The allowances are enumerated by province and territory, and are scaled from a low for those who have no dependants to a high for those who have four or more dependants, with an additional amount in all cases for those who must live away from home while taking training. The lowest possible amount allowed is 40 dollars weekly, while the highest possible is 128 dollars weekly.

Apprenticeship - Training programs

3. In British Columbia, the trade of boilermaker (erection) is now a designated trade for which certificates of proficiency may be issued under the Apprenticeship and Tradesmen's Qualification Act.
4. A candidate must submit proof of having completed a qualifying time of 6,000 hours in the trade, and must pass a prescribed examination in order to qualify for the certificate of proficiency.
5. Also, the trade designation "Metal trades - (a) Boilermaker, (b) Pattern-maker" has been changed to "Metal trades - (a)(i) Boilermaker (ii) Boilermaker (erection), (b) Pattern-maker".
6. British Columbia has also added "Automotive parts warehousing and merchandising" and "Bookbinding" to the list of designated trades under the Apprenticeship and Tradesmen's Qualification Act.
7. Manitoba has approved new regulations which pertain generally to educational requirements for apprenticeship, credits for previous training, duties of employers and apprentices, minimum wages, hours of work and ratio of apprentices to journeymen. Also included are requirements for certification,

examinations, fees and examinations of non-apprentices applying for certification.

8. Separate trade regulations will be proposed at a later date to cover these matters more specifically. Greater flexibility is provided by leaving to each trade regulation specific provisions for areas such as educational requirements, ratio of apprentices to journeymen and minimum wages rates for apprentices. If such matters are not included in a trade regulation, general regulations will apply.
9. Major provisions under the new general regulations are:
 - Guidelines by which the director of apprenticeship training in the labour department will assess previous training and experience listed by apprentice applicants.
 - New provisions relating to examinations and re-examinations for a qualifying certificate.
 - Transfer of responsibility for preparing and conducting examinations to the director of apprenticeship training. Previously, examining boards were appointed to do this, and the board was required to arrange for final trade examinations.
 - Removal of the age limit for persons applying for certification examinations, provision of a time limit on previous experience, and change in the clause relating to areas of designated trades eligible for examination. Until now, a person applying for qualification examinations who had not been trained under the apprentice program had to be at least 26 years of age, and have had at least six years of experience in trade. Also, examinations could be taken only in designated trades for which advisory boards had been appointed.
10. The new regulation removes the age requirement, allows for examination in any designated trade, whether or not there is an advisory board, and requires the applicant to have been engaged in the trade longer than the apprenticeship period set for that trade. As well, he or she must have had that experience in the 10 years immediately prior to making application for the examination.

The new regulations come into force August 1, 1974. If necessary, they will be described in detail in the next issue of Legislative Review.

11. Manitoba has also designated the trade of "Miner" as an apprenticeship trade under the Apprenticeship and Tradesmen's Qualifications Act. This is Canada's first designation of this type. A Miner Trade Advisory Committee of employer and employee representatives will prepare an appropriate training program.
12. New Brunswick has designated several new trades under the Industrial Training and Certification Act.
13. One group of trades is the "Domestic Appliance Servicing" trades. One pertains to cooking equipment, a second to refrigeration equipment, and another to washing and drying equipment. Candidates for these trades must apply to the Department of Labour, pay a prescribed fee, and pass examinations. Also, one year of previous experience is required in each of the trades before certification is granted.
14. Another newly designated category is "Domestic Major Appliance Servicing Trade", which is broader in scope than any of the three above-mentioned servicing trades. A candidate for this trade must have at least two years practical experience in the installation and servicing of a wide range of such domestic appliances as electric ranges, freezers, refrigerators, air conditioners, clothes washers, electric dryers, and dishwashers. Prescribed examinations must be passed.
15. Another group of new trades pertains to the repairing and painting of motor vehicle bodies. The trade "Motor Vehicle Repair (Body)" was rescinded and replaced by the trades "Motor Vehicle Body Painter", "Motor Vehicle Body Repairer", and "Motor Vehicle Body Repairer and Painter".
16. A candidate for "painter" must have two years of practical experience to qualify for the trade, while a "repairer" candidate must have three years of practical experience, and a "repairer and painter" candidate must have five years of practical experience.
17. Also designated in New Brunswick was the trade of "Cook". The trade pertains to the preparation and cooking of food-stuffs for consumption in hotel/motel dining areas, institutions and similar eating areas. All phases of requisitioning and preparing food are included, as are such matters as hygiene, the proper use of kitchen utensils, and the proper storage of food. A candidate for the trade must have at least five years of experience in the trade to qualify, and must pass prescribed examinations.

18. The trade of "Construction Millwright" was designated. The trade requires the ability to conduct all phases of installing and preparing machinery and equipment in industrial plants. A candidate for the trade must have the equivalent of five years of experience in the trade, and successful completion of prescribed examinations is mandatory.
19. The "Ship's Plater" trade was designated. It requires a wide variety of knowledge and skills regarding the metal structural parts of ships. Involved are such matters as layout, fabricating, use of blueprints, the use of many types of tools, rigging equipment, etc. A candidate for the trade of "Ship's Plater" must prove he has at least five years of experience in the trade, or has successfully completed an apprenticeship program under the Industrial Training and Certification Act. Prescribed examinations must be passed.
20. The trade of Firefighter was designated, although training requirements for candidates have not yet been prescribed by regulation.
21. Finally, a "grandfather" regulation made under the Industrial Training and Certification Act states that certificates of qualification may be issued to persons who have completed employment equivalent to that required for a certificate of qualification in a trade prior to the dates on which certificates of qualification or their equivalent under previous acts became available.
22. In Nova Scotia, the marble, tile and terazzo trade now is regulated by the provisions of the Apprenticeship and Tradesmen's Qualification Act, whenever it is carried on in any part of that province. The regulation does not outline a training program to be followed in order for an apprentice to qualify as being certified in the trade.
23. Ontario has designated the trade of refrigeration and air conditioning mechanic as being regulated by the Apprenticeship and Tradesmen's Qualification Act.
24. The regulation establishes for apprentices a training program of five periods of related training and work experience of 1,800 hours for each period. The program consists of a full-time educational course provided at a college of applied arts and technology (or equivalent courses), and practical training and instruction provided by the employer.

25. Schedules attached to the regulation describe in detail the various subjects to be followed, as well as examinations to be passed by apprentices in both the theoretical and practical phases of the program.
26. Minimum wage rates for apprentice mechanics are prescribed for each of the five training periods. These are 40 per cent, 50 per cent, 60 per cent, 70 per cent and 80 per cent respectively, of the wages of a journeyman, for both regular and overtime work.
27. A formula for determining the number of apprentices which may be employed is provided. It is as follows:
 - (a) where the employer is a journeyman in the trade, one apprentice plus an additional apprentice for each three journeymen in the trade employed by that employer;
 - (b) where the employer is not a journeyman in the trade, one apprentice for the first journeyman in the trade employed by the employer, plus an additional apprentice for each additional three journeymen in the trade employed by the employer.
28. Ontario revised the training program for apprentice plumbers. An apprentice must pass through a program consisting of five periods of training and work experience of 1,800 hours for each period.
29. The program is a combination of full-time day classes provided at a college of applied arts and technology, (or an equivalent course), and work experience training provided by the employer. Specified examinations must be passed.
30. A revised program is also provided for apprentice lathers in Ontario. A person who has graduated in a course for the trade of lather offered in the occupational program of a junior or special vocational school and has been recommended by the director of that school may be registered as an apprentice lather.
31. The apprenticeship program consists of three periods of related training and work experience, of 1,800 hours for each period.

32. The program is a combination of full-time day classes at a college of applied arts and technology (or an equivalent course), and practical work experience training provided by the employer.
33. The apprentice himself is responsible for recording the time spent in related work experience and training, in a progress record book issued to him by the Director of Apprenticeship.

A certificate of qualification in the certified trade of lather is not required to be renewed.
34. The trade of "glazier and metal mechanic" has been designated as a certified trade under the Apprenticeship and Tradesmen's Qualification Act in Ontario.
35. An apprenticeship training program is established under the regulation, and consists of training and instruction at full-time educational day classes provided at a college of applied arts and technology (or an equivalent course), and practical training provided by the employer. The subjects to be followed are specified in schedules attached to the regulation.
36. The apprentice must complete four periods of training and instruction of 2,000 hours per period. Where the apprentice has an Ontario Secondary School graduation diploma, or has a pass standing in Grade 12 English, mathematics and science, or, in the opinion of the Director of Apprenticeship has the equivalent of these subjects, the training period is reduced to four periods of 1,800 hours per period.
37. Examinations to be passed by an apprentice in the certified trade are specified in the schedules attached to the regulation.
38. The hourly rate of wages for an apprentice glazier and metal mechanic are measured as a percentage of the average hourly rate of wages for journeymen, for both regular and overtime hours. The percentages are 60 per cent during the first 1,000 hours of training and instruction, increasing by five percentage points for each succeeding 1,000 hours, to a high of 95 per cent during the eighth 1,000 hours.

39. The maximum number of apprentices which may be employed is specified, and is as follows:
- (a) where the employer is a journeyman in the trade, one apprentice plus an additional apprentice for every four journeymen employed by that employer in the trade and with whom the apprentice is working; and
 - (b) where the employer is not a journeyman in the trade, one apprentice for the first journeyman employed by the employer plus an additional apprentice for each additional four journeymen employed in that trade and with whom the apprentice is working.
40. Ontario also set out a revised training program for radiological technicians under the Radiological Technicians Act. A detailed schedule outlines the various subjects and hours to be spent receiving instruction in each. The Board of Radiological Technicians may register any person who has practiced as a technician in nuclear medicine for at least two years prior to the coming into force of the regulation.
41. A regulation under the Apprenticeship and Tradesmen's Qualification Act was also passed in this province setting out a revised training schedule for radio and television technicians.
42. For purposes of the act, the definition of radio and T.V. technician excludes persons involved in manufacturing, related work in an industrial plant, or wiring electronics equipment to an outside power source.
43. The training program consists of four periods of related training and work experience of 2,000 hours each per period.
44. The rate of wages for an apprentice for both regular and overtime work as compared to a journeyman is: 40 per cent, 50 per cent, 60 per cent, and 80 per cent respectively for the succeeding four periods.
45. The number of apprentices who may be employed in the certified trade must not exceed:
- (a) where the employer is a journeyman in the trade, one apprentice plus one additional apprentice for every two journeymen employed in the trade and with whom the apprentice is working; and

- (b) where the employer is not a journeyman in the trade, one apprentice for the first journeyman employed by the employer plus one additional apprentice for each additional two journeymen employed by that employer in the trade and with whom the apprentice is working.

The regulation outlines in detail both the in-school and job related programs.

- 46. Saskatchewan has added two new trades to the schedule of trades regulated by the Apprenticeship and Tradesmen's Qualification Act of that province. These trades are "lineman (electrical power)", and "roofer". The regulations merely designate the trades and do not outline training programs, standards, etc.

II. EMPLOYMENT STANDARDS

47. In Ontario a new Part under the Employment Standards Act established statutory holidays with pay for the first time. An amendment to the Act provides that all employees will receive four holidays with pay - Good Friday, Dominion Day, Labour Day and Christmas Day - in 1974. This provision will be extended to include New Year's Day, Thanksgiving Day and Victoria Day as paid holidays on January 1, 1975. Other amendments to the Act provide for an increased annual vacation with pay after one year of employment and a reduction (effective January 1, 1975) in the maximum hours of work from 48 to 44 a week.
48. The minimum wage rates were increased in several jurisdictions - federal, Nova Scotia, Prince Edward Island, Québec, Ontario, Manitoba, Saskatchewan, Alberta, Newfoundland and the Yukon.

Minimum Age for Employment

49. Alberta amended one of its provisions governing the employment of persons under 18 years. A regulation under the Alberta Labour Act prohibited persons under 18 from working between 12:01 a.m. and 6:00 a.m. This provision has been amended to allow persons over 15 and under 18 to work between 12:01 a.m. and 6:00 a.m. if the person is working with and is under direct and continuous supervision by a person who is over the full age of 18 years.
50. In Saskatchewan, effective July 2, 1974, the minimum age at which employees may be employed in any educational institution, hospital, nursing home, hotel or restaurant is fixed at 16 years.

Equal Pay

51. An amendment to the Alberta Individual's Rights Protection Act expanded the equal pay provisions to protect men as well as women. An employer is prohibited from paying a male employee at a lesser rate of pay than that of a female employee or vice versa for "similar work or substantially similar work". Formerly, this protection was only afforded to females.
52. Under its new Human Rights Code, British Columbia changed some of its equal pay measures.* The new provisions protect persons of either sex against discrimination in the payment of wages for "similar or substantially similar work". Under the former legislation male workers were not guaranteed the right to equal pay with female counterparts.

*Provisions respecting Equal Pay are not yet proclaimed.

53. The concept of skill, effort and responsibility shall, subject to such factors in respect of pay as seniority systems, merit systems and systems that measure earnings by quantity and quality of production, be used to determine what constitutes similar or substantially similar work. This provision is new.
54. As in Nova Scotia, a difference in the rate of pay based on any factor other than sex does not constitute a failure to comply with the Code if the factor on which the difference is based would reasonably justify such a difference.
55. Various other new provisions were added under the new Code. The employer is forbidden to reduce the rate of pay of an employee in order to comply with the equal pay requirement. In addition, an employee who is not paid an equal wage may by action recover his lost wages together with costs.
56. The action, however, must begin within 12 months of the termination of his services (previously six months); and it applies only to wages gained during the 12-month period immediately preceding the date of termination of his services or the date of the commencement of his action, whichever date occurs first.
57. The provisions respecting administration and enforcement of this section of the new Human Rights Code are covered in the Section on Human Rights.

Hours of Work

58. Manitoba reissued a regulation under the Construction Industry Wages Act respecting minimum wages and maximum standard hours of employees in the construction industry in Greater Winnipeg and on major building projects located anywhere in the province. Effective May 1, 1974, the maximum hours of work payable at regular rates for construction workers other than those in heavy construction shall vary from eight to nine hours per day and 40 to 48 hours in a week depending on the occupation of the employee. Previous legislation made no reference to maximum daily hours. In addition, overtime pay at the rate of $1\frac{1}{2}$ times the regular rate must be given for all hours worked in excess of the standard weekly or daily hours.
59. An amendment to the Ontario Employment Standards Act provides that as of January 1, 1975, a premium rate of $1\frac{1}{2}$ times the regular rate will be required for all hours worked in excess of 44 hours per week. Previously, overtime rates were required after 48 hours per week.

60. This amendment does not apply to employers in the taxi industry and to all employers in the hotel, motel, tourist resort, restaurant, and tavern industry who pay to their seasonal employees an amount not less than $1\frac{1}{2}$ times their regular rate for each hour worked in excess of 55 hours.
61. In Saskatchewan, any person employed as an automobile salesman as defined in The Motor Dealers Act, 1966, is excluded from the provisions regarding hours of work and overtime pay.

Minimum Wage

62. The Governor in Council issued an order raising the Federal minimum wage to \$2.20 an hour (an increase of 30 cents) for employees 17 years of age and over. Similarly, it was announced that the rate for young workers would be increased to \$1.95 an hour. Both rates became effective April 1, 1974.
63. As a result of the federal legislation, the minimum hourly wage in the Yukon will automatically rise from the present \$2.00 an hour to \$2.40 on April 1, 1974. The legislation in that Territory sets the minimum wage at "the amount of the sum of the federal minimum wage as amended from time to time plus ten cents".
64. In Québec, the Minimum Wage Commission readjusted its staggered minimum wage increases which are established under the General Minimum Wage Order. An amendment to the Order increased the rate for employees 18 and over: \$1.85 an hour effective November 1, 1973; \$2.00 an hour effective May 1, 1974; and \$2.15 an hour effective November 1, 1974.
65. Similarly, the rates for employees under 18 years of age became: \$1.75 an hour effective November 1, 1973; \$1.90 an hour effective May 1, 1974; and \$2.15 an hour effective November 1, 1974. For both categories of workers the increases over the old rates were 5 cents November 1, 1973, 10 cents May 1, 1974 and 15 cents November 1, 1974. The Board also readjusted the overtime rates of pay to coincide with the increase in the minimum wage rates.
66. Québec also issued a new Construction Decree pursuant to the Construction Industry Labour Relations Act. Minimum wage rates for various occupational groups in the construction industry were increased.
67. Prince Edward Island issued a new order which increased the minimum rates in that province. The new levels which became effective January 1, 1974 are: \$1.65 an hour for employees

18 years and over (formerly \$1.40 for men and \$1.30 for women) and \$1.45 an hour for those under 18. On July 1, 1974, the rates will again be increased to \$1.75 for employees 18 years and over and \$1.50 for workers under 18.

68. A minimum wage order issued under the Labour Standards Code in Nova Scotia establishes new minimum wage rates effective October 1, 1974, January 1, 1975 and March 1, 1975. The wage for employees 18 years of age and over will be increased from the present \$1.80 an hour to \$2.00, \$2.20 and \$2.25 an hour respectively. Similarly, the rate for underage employees between 14 and 18 years of age will increase from \$1.55 to \$1.75, \$1.95 and \$2.00 per hour. Inexperienced employees will receive the same increase afforded to under-age employees. The minimum rates for beauty parlour employees, logging and forestry employees and workers in the road and heavy construction operations were also increased.
69. On November 1, 1973, the Ontario Minister of Labour announced new minimum wage rates which became effective January 1, 1974.
70. The general rate rises from \$1.80 an hour to \$2.00 an hour. This minimum rate applies to all employees except students under the age of 18. The student rate is set at \$1.65 an hour. The former construction rate of \$2.05 an hour is also increased to \$2.25 an hour. Guards on construction sites are given the same wage as construction workers. The learner's rate for employees in their first month of employment increases from \$1.70 an hour to \$1.90 an hour.
71. The minimum rates for ambulance drivers, driver's helpers and first-aid attendants in the ambulance industry were also increased.
72. The minimum hourly wage in Saskatchewan was increased from \$1.75 to \$2.00 an hour effective December 1, 1973.
73. Newfoundland's new Minimum Wage Order 1974 effective January 1, 1974, established a number of new provisions. Domestic servants (formerly excluded from minimum wage provisions) must now be paid no less than \$25.00 a week. This amount is not to be reduced under any circumstances. The "younger worker" wage category was abolished and the rates now apply to all employees over 16 years of age. The minimum wage rates for employees 16 and over were increased in three stages: \$1.80 an hour effective January 1, 1974; \$2.00 an hour effective July 1, 1974; \$2.20 an hour effective January 1, 1975. The overtime wages for those employees entitled to it have been also increased in accordance with these minimum rate changes.

74. British Columbia rescinded the Occupation of Resident Caretaker Minimum Wage Order 14 (1972) under the Minimum Wage Act. The new order is effective July 1, 1974.
75. "Resident caretaker" comprises caretakers, custodians, janitors or managers of an apartment building containing five or more residential suites and who reside on the premises, excluding those employees whose duties are entirely of a supervisory or managerial character.
76. The minimum wage for every resident caretaker in an apartment building shall be:
 - (1) \$150 per month plus \$6 per month per residential suite in apartment buildings containing more than four and less than 61 residential suites (excluding caretaker's suite).
 - (2) \$510 per month in apartment buildings containing more than 60 residential suites.
 - (3) Where single rooms, stores or accommodation other than residential suites are provided in addition to suites, time spent attending to these facilities shall be compensated at a minimum of \$2.50 per hour.
 - (4) Where two or more resident caretakers are employed in any apartment building, one shall be designated a resident caretaker. The other(s) shall be paid a minimum of \$2.50 per hour.
 - (5) Every resident caretaker shall be given a 32-hour period free from duty per week. The caretaker shall be paid at a minimum of \$3.75 per hour for work done or for being on call during this period.
77. The resident caretaker shall be paid at least semi-monthly and shall be granted and paid for all holidays as required under the Annual and General Holidays Act.
78. The Board may specify the suitability of accommodation or service provided for a resident caretaker and may limit any charge or deduction made by the employer for such facilities. The order must be posted in a conspicuous place at the establishment.
79. Records must be kept at the premises showing names, ages, occupations and residential addresses of all residential caretakers as well as their wages, hours of work and conditions of employment.

80. Alberta regulations increased the minimum hourly wages in two phases. Effective October 1, 1973, employees 18 and over receive \$1.90 per hour (previously \$1.75 per hour) and employees under 18 receive \$1.75 per hour (previously \$1.60 per hour). Subsequently, on and after April 1, 1974, the wage will be increased to \$2.00 per hour for workers 18 and over and \$1.85 per hour for those under 18. A second regulation adjusted the minimum wage payable to students employed part-time. Formerly, they were paid \$1.25 per hour. Under the new provisions the rate increased to \$1.40 per hour effective October 1, 1973 and will be further increased to \$1.50 per hour effective April 1, 1974.
81. Manitoba reissued a regulation under the Construction Industry Wages Act Respecting Minimum Wages and Maximum Regular Hours of Employees in the Construction Industry Outside Greater Winnipeg and not on Major Building Projects. As of June 1, 1974, wages will vary between \$2.70 and \$6.85 per hour and hours worked between 44 and 48 per week depending on the occupational group. In a second regulation under the Construction Industry Wages Act Respecting Minimum Wages and Maximum Standard Hours of Employees in the Heavy Construction Industry in Manitoba, as of May 1, 1974, the salaries varied between \$2.20 and \$4.70 per hour and the maximum hours were 54 per week.
82. The maximum deductions permitted for board and lodging were increased in Alberta, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, and, as regards employees in restaurants, hotels, educational institutions, hospitals and nursing homes, Saskatchewan.
83. In New Brunswick, money paid as a tip or gratuity, or as a surcharge or other charge in lieu of a tip or gratuity, is the property of the employee to whom or for whom it is given and shall not be withheld by the employer.
84. General Hourly Minimum Wage Rates for Adult and Young Workers (as of December 31, 1973).

1. Federal

Effective November 1, 1972

Employees 17 and over	- \$1.90
Employees under 17	- \$1.65

Effective April 1, 1974

Employees 17 and over	- \$2.20
Employees under 17	- \$1.95

2. Alberta

Effective October 1, 1973

Employees 18 and over	- \$1.90
Employees under 18	- \$1.75
Students under 18 employed on a part-time basis	- \$1.40

Effective April 1, 1974

Employees 18 and over	- \$2.00
Employees under 18	- \$1.85
Students under 18 employed on a part-time basis	- \$1.50

3. British Columbia

Effective December 3, 1973

Employees 18 and over	- \$2.25
Employees 17 and under	- \$1.85

Effective June 3, 1974

Employees 18 and over	- \$2.50
Employees 17 and under	- \$2.10

4. Manitoba

Effective October 1, 1973

Employees 18 and over	- \$1.90
Employees under 18	- \$1.65

5. New Brunswick

Effective January 1, 1973

Employees 18 and over	- \$1.50
Employees under 18	- \$1.35

Effective January 1, 1974
(Rates for Young Workers
Abolished)

General rates	- \$1.75
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5. New Brunswick (Continued)

Effective July 1, 1974

General rates - \$1.90

Effective January 1, 1975

General rates - \$2.15

Effective July 1, 1975

General rates - \$2.30

6. Newfoundland

Effective June 1, 1972

Employees over 18 - \$1.40

Employees 16-18 - \$1.10

Effective January 1, 1974
(Rates for Young Worker
Abolished)

Employees over 16 - \$1.80

Effective July 1, 1974

Employees over 16 - \$2.00

Effective January 1, 1975

Employees over 16 - \$2.20

7. Nova Scotia

Effective July 1, 1973

Employees 18 and over - \$1.65

Underage employees 14-18 - \$1.40

Inexperienced employees - \$1.40

Effective July 1, 1974

Employees 18 and over - \$1.80

Underage employees 14-18 - \$1.55

Inexperienced employees - \$1.55

8. Ontario

Effective February 1, 1973

General rates	-	\$1.80
Learners (1st month of employment)	-	\$1.70
Students under 18, who are employed for 28 hours or less a week	-	\$1.45

Effective January 1, 1974

General rates	-	\$2.00
Learners (1st month of employment)	-	\$1.90
Students under 18, who are employed for 28 hours or less a week	-	\$1.65

9. Prince Edward Island

Effective July 1, 1973

Male employees 18 and over	-	\$1.40
Female employees 18 and over	-	\$1.30
Employees under 18 (both sexes)	-	\$1.20

Effective January 1, 1974

Employees 18 and over	-	\$1.65
Employees under 18	-	\$1.45

Effective July 1, 1974

Employees 18 and over	-	\$1.75
Employees under 18	-	\$1.50

10. Québec

Effective November 1, 1973

Employees 18 and over	-	\$1.85
Employees under 18	-	\$1.75

Effective May 1, 1974

Employees 18 and over	-	\$2.00
Employees under 18	-	\$1.90

Effective November 1, 1974

Employees 18 and over	-	\$2.15
Employees under 18	-	\$2.00

11. Saskatchewan

Effective December 1, 1973 - \$2.00

Effective July 2, 1974 - \$2.25

Saskatchewan has no special rates for young workers or students

12. Yukon Territory

Effective June 1, 1973

Employees 17 and over - \$2.00

Effective April 1, 1974

Employees 17 and over - Federal minimum wage plus 10 cents (\$2.30)

13. Northwest Territories

Effective September 1, 1973

Employees 17 and over - \$2.00

Employees under 17 - \$1.75

Annual Vacations with Pay

85. Included in an amendment to the Ontario Employment Standards Act is a major change in Part VII of the Act respecting Vacations with Pay.
86. Effective January 1, 1974, all employees will be entitled to two weeks' annual vacation with pay after one year of employment. Previously, an employee received one week vacation after the first year and two weeks after two years of employment. Vacation pay shall amount to 4% of the total wages earned in the 12 months of employment for which the vacation is given. This contrasts with the old standard of 2% for a one-week vacation and 4% for a two-week vacation. The provisions respecting when the vacation is to be taken remain unchanged.
87. Where an employee's employment ceases before the completion of 12 months' employment or the employee has not been paid or given a vacation with pay to which he is entitled, the employer must pay him 4% of his total wages earned in any 12-month period or part thereof in lieu of the paid vacation.

88. As previously, the Director may approve employer-employee agreements respecting vacation pay, payment in lieu thereof or any arrangements for the taking of a vacation.
89. The old provisions of the Employment Standards Act continue to apply for purposes of calculating the vacation and vacation pay to which an employee is entitled (or the amount agreed to be paid in lieu of such vacation with pay) for the period of his employment prior to January 1, 1974.
90. An important new feature of the Employment Standards amendment provides that "where the Director finds that a term or condition of employment in a collective agreement as defined in the Labour Relations Act confers a higher remuneration in money or a greater right or benefit respecting vacation pay than the provisions in Part VII (Vacations with Pay), the term or condition of employment in the collective agreement shall prevail."
91. In Saskatchewan, effective May 1, 1974, an employee will be entitled to a three-week vacation with three fifty-seconds annual earnings after one year of employment. Formerly, an employee was entitled to three weeks after four years' service.

General Holidays

92. A recent amendment to the Employment Standards Act in Ontario established a new part under the Act - Part VII-A - Holidays with Pay. The provisions require that all employees will receive four statutory holidays with pay - Good Friday, Dominion Day, Labour Day and Christmas Day - in 1974. This provision will be extended to include New Year's Day, Thanksgiving Day and Victoria Day as holidays with pay on January 1, 1975. Thus, during the year 1974, employees who work on non-paid holidays (i.e., New Year's Day, Thanksgiving Day and Victoria Day) will be paid time and one half the regular rate for each hour worked. Prior to the amendment, employees were paid in this manner when they worked on any of the seven statutory holidays.
93. Certain categories of employees are not entitled to a holiday with pay. These include an employee who: is employed for less than three months; has not earned wages for at least 12 working days during the 30 calendar days immediately preceding the holiday; misses a regular work-day preceding or following the holiday; is employed under an arrangement whereby he may elect to work or not when requested so to do.

94. Provision is made for substitution of another working day for the holiday as long as the day is earlier than or not later than 30 days after the date of the holiday. The same rule applies where the holiday falls upon a non-working day or during the vacation of the employee.
95. Where an employee who is entitled to holiday pay is required to work and works on a holiday, he must be paid the regular wage, an additional amount of $1\frac{1}{2}$ times his regular rate as holiday pay, plus any overtime pay to which he is entitled. An employee who is not entitled to holiday pay would receive a wage of time and one half the regular rate for each hour worked.
96. An important new feature of the Employment Standards amendment provides that "where the Director finds that a term or condition of employment in a collective agreement as defined in the Labour Relations Act confers a higher remuneration in money or a greater right or benefit respecting holidays with pay than the provisions in Part VII-A (Holidays with Pay), the term or condition of employment in the collective agreement shall prevail."
97. Throughout British Columbia the first Monday of August will be a legal holiday known as British Columbia Day.

Termination of Employment

98. In Ontario, notice of termination of employment is not required where a contract of employment is rendered impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance. An amendment to the Employment Standards Act provides an exception to this rule. Where a person's contract of employment is or has become impossible of performance by an order, direction or notice made, given or issued under the Environmental Protection Act, notice is required.

Wage Protection

99. An amendment to the British Columbia Payment of Wages Act sets rules for the assignment of an employee's wages. An employer is required to honour assignments within one month of the deduction from the employee's wages being made.
100. The provisions further require an employer who has agreed, under a contract or a collective agreement between himself and his employees or an agent of his employees, to make a payment for the benefit of an employee to a fund, insurer, or any person, when due, and in accordance with the terms of the contract or collective agreement. If the employer failed to do so, the amount would be deemed to be wages owing and the wage recovery provisions of the Act would apply.

101. Under an additional amendment to the Act, new procedures were established for the posting of security:

- (1) When the Board intends to require an employer to furnish security conditioned upon payment of all wages, the Board would so notify the employer by registered mail, giving the employer eight days (from the date of mailing) to present evidence and make representations.
- (2) The Board, after such investigation and hearings as it considers necessary, may
 - (a) require the employer to furnish security, and
 - (b) prescribe the date by which such security must be posted.
- (3) After having given notice, the Board may apply the security furnished in whole or in part to any wages the Board ascertains is owing to any employee.
- (4) An employer that refuses to furnish the security required by this provision is guilty of an offence under the Act.

102. Previously, there was no time limit set by the law for the employer to make a representation. Also, a Judge of the Supreme Court could, upon an application of the Board, restrain the employer who had refused to furnish security from carrying on any business or industry until it was furnished and the costs of the application were paid.

III. HUMAN RIGHTS

103. Human Rights legislation was amended in British Columbia, Alberta, and Northwest Territories.
104. The Human Rights Code of British Columbia Act which was passed November 7, 1973, replaces the previous Human Rights Act, 1969. Sections 11, 12, and 13 were proclaimed effective December 21, 1973, s. 26 on January 17, 1974, and the remainder on further proclamation. The new Code makes a considerable number of significant changes. The grounds on which discrimination is prohibited in tenancy premises is extended to include sex and marital status. Similarly, marital status and political beliefs may not be used as grounds for discrimination in employment.
105. A provision unique to the British Columbia legislation provides protection against discrimination in:
(1) employment; and (2) membership in trade unions, employers' and occupational associations for persons who have been convicted on a criminal or a summary conviction charge.
106. The scope of the complaint process has been broadened, as have the powers of the boards of inquiry which fulfill the functions of the commission under the previous Act.

Coverage

107. Any charitable, philanthropic, educational, fraternal, religious or social organization or corporation that is not operated for profit and has as a primary purpose the promotion of the interests and welfare of an identifiable group or class of persons characterized by a common race, religion, age, sex, marital status, political belief, colour, ancestry or place of origin does not contravene the Act because it grants a preference to members of the identifiable group or class of persons. Formerly, this exclusion was not as specific, nor did it apply to all the provisions of the Act. The former Act excluded domestic servants who worked in a private home. Under the provisions of the new Code this exclusion no longer exists.

Purchased Property

108. Under a new provision of the Code no person shall, as against another person or class of persons: (1) deny them the opportunity to purchase a commercial unit or dwelling unit that is advertised or represented as being for sale; or (2) deny them the opportunity to secure land

or an interest in land; or (3) discriminate against them with respect to any term or condition of the purchase or other acquisition of any commercial unit or dwelling unit, land or interest in land, because of their race, religion, colour, sex, ancestry, place of origin or marital status.

Tenancy

109. The Code also prohibits: (1) the denial to any person or class of persons the right to occupy as a tenancy any space that is advertised or otherwise represented as available for occupancy; (2) or discrimination against same with respect to any term or condition of the tenancy of such space on the grounds of the race, marital status, religion, colour, ancestry, or place of origin of that person or class of persons, or of any other person or class of persons. These provisions do not apply where the space is represented as being available for occupancy by another person who is to share within the use of any sleeping, bathroom or cooking facilities in the space.

Discriminatory Publication

110. The provisions prohibiting the publishing or displaying of discriminatory signs, notices, symbols, emblems or other representation continue to apply under the new Code, as do the provisions protecting a person's right by speech or in writing to freely express his feelings.

Accommodation

111. The restrictions against discrimination in public accommodation services and facilities continue to apply unless reasonable cause exists for a denial or discrimination in the availability thereof. "Reasonable cause" does not include the race, religion, colour, ancestry or place of origin of any person or class of persons, nor does the sex of any person unless it relates to the maintenance of public decency.

Advertisements

112. The Code forbids the use or circulation of any application forms, the publication of ads. respecting employment or prospective employment or the making of oral inquiries of an applicant that: (1) expresses directly or indirectly any limitation, specification or preference as to the race, religion, colour, sex, marital status, age, ancestry or place of origin of any person; or (2) requires an applicant to furnish information covering race, religion, colour, ancestry, place of origin or political belief.

Employment

113. The new Code creates an individual's right of equality of opportunity based on bona fide qualifications in respect of his occupation or employment or in respect of an intended occupation, employment, advancement or promotion. Thus, no employer may refuse to employ, or to continue to employ, or to advance or promote a person, or discriminate against him in respect of his employment (nor may an employment agency refuse to refer him for employment) without reasonable cause.
114. "Reasonable cause" does not include the race, religion, colour, age, marital status, ancestry, place of origin or political belief of a person or class of persons; nor does a person's sex unless it relates to the maintenance of public decency.
115. Also, a conviction for a criminal or summary conviction charge shall not constitute reasonable cause unless such charge relates to the occupation or employment or intended occupation, employment, advancement or promotion of a person.
116. The importance of these new provisions is seen when they are compared with those found under the old Act. The old terms prohibited employers from refusing to employ, or to continue to employ any person or to discriminate any person in regard to employment or any term or condition thereof because of his religion, race, sex (except where bona fide occupational qualification) colour, nationality, ancestry, place of origin, age or because of a complaint or testimony made by that person pursuant to the enforcement of the Act.

117. Finally, the prohibition of discrimination on the basis of age does not affect the operation, terms or conditions of bona fide retirement, superannuation, pension, insurance or seniority-type plans.

Membership

118. The Code states that everyone has the right to equality of opportunity based upon bona fide qualifications in respect of his occupation or employment and in respect of his membership or intended membership in a trade-union employers' association or occupational association. Thus, no trade-union, employers' association or occupational association may without reasonable cause in respect of such qualifications of that person: (1) refuse membership to, expel, suspend, or otherwise discriminate against that person; or (2) negotiate on behalf of that person an agreement that would discriminate against him contrary to the Code. This latter protection (2) is new under the Code.
119. As with the provisions respecting discrimination in employment, the sex, race, religion, colour, age, marital status, ancestry, place of origin or political belief of any person or class of persons does not constitute "reasonable cause". Nor does the conviction of criminal or summary conviction charges unless the charges relate to the occupation, employment of membership or to the intended occupation, employment or membership of a person.
120. The provision relating to age does not affect the operation, terms or conditions of bona fide retirement, superannuation, pension, insurance or seniority-type plans. It is important to note that under the previous Act this type of anti-discrimination provision only applied to trade-unions.

Protection

121. Another provision protects the complainant. No person may "evict, discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty upon, or otherwise discriminate against, any person because that person complains, gives evidence, or otherwise assists in respect of the initiation or prosecution of a complaint or other proceeding under this Act".

Administration

122. The provisions of the Human Rights Code establish a commission known as the British Columbia Human Rights Commission. It consists of as many members as the Lieutenant-Governor in Council appoints -- one of whom is designated as chairman. The functions of the Commission are: (1) to promote the principles of the Act; (2) to promote an understanding of and compliance with the Act; (3) to develop and conduct educational programmes designed to eliminate discriminatory practices; and (4) to encourage and co-ordinate programmes and activities promoting human rights and fundamental freedoms.

(Special Programmes)

123. The Commission may approve programmes of government, private organizations or persons designated to promote the welfare of any class of individuals and any approved programme shall be deemed not to be in contravention of any of the provisions of the Act.

(Settlements)

124. Provision is made whereby the Commission may approve a settlement in respect of a discrimination under or contravention of the Act.
125. Regulations may be made by the Lieutenant-Governor in Council adding to or extending the functions of the Commission and respecting any matter necessary or advisable to carry out effectively the intent and purpose of the Act.
126. Under the Code the Minister of Labour is to appoint a Director who is to act as chief executive officer of the Commission and as registrar for the execution of complaints under the Act. The Minister also appoints persons to a panel who shall be eligible to serve on boards of inquiry.

Enforcement

127. The Director is responsible for ensuring that complaints and allegations are dealt with. There are several types of situations where the Director is required to act where he: (1) receives a complaint that a person whether or not he is the complainant has been discriminated against or (2) receives a complaint alleging that a person has contravened the Act; or (3) alleges, with or without receipt of a complaint, that a person has contravened the Act or has

been discriminated against; or (4) receives from the Commission an allegation that a person has contravened the Act or has been discriminated against. In the case of either a complaint or an allegation he must inquire into, investigate and endeavour to effect a settlement of the alleged discrimination or contravention.

128. Where the Director is unsuccessful or is of the opinion that he will be unsuccessful in settling an allegation, he makes a report to the Minister of Labour who may refer the allegation to a board of inquiry. Where a board of inquiry is formed it consists of one or more panel members. All parties are given full opportunity to be represented by counsel, present evidence, cross-examine witnesses and make submissions.
129. The board of inquiry may dismiss the allegation where it finds it to be unjustified. Where the board of inquiry finds that the allegation is justified, it shall order the person who contravened the Act to cease such contravention and/or a repetition of it. In addition, the board of inquiry may, order: (1) a restoration to the aggrieved person such rights or opportunities or privileges as he was denied contrary to the Act; (2) compensation to be paid to the aggrieved person for all or part of any wages or salary lost, or expenses incurred by reason of the contravention.
130. Where the board finds the person who contravened the Act did so knowingly or with a wanton disregard and the victim suffered aggravated damages in respect of his feelings or self respect, the board may order the payment of compensation up to a level not exceeding \$5,000. The board may take such orders to costs as it considers appropriate.
131. In cases respecting monetary compensation the commission or person who was discriminated against where he is successful, may file a certified copy of the order with the Supreme Court or County Court and thereupon it has the same force and effect as if it were a court order for recovery of such a debt. An order of the board of inquiry may be appealed to the Supreme Court on questions of law or jurisdiction or any finding of fact.
132. Under the old provisions an investigation could be undertaken by the Director only after a written complaint was received from the aggrieved person. Where the Director was unsuccessful in reaching a settlement of the matter he referred it to the Human Rights Commission. The Human Rights Commission, in turn, could either dismiss the complaint as being without merit or it could find for the complainant. In the latter case the

commission was obliged to issue an order directing the person to cease the activity in question and could order the person concerned to take remedial action. An order could also direct the employer to employ or re-employ a person and pay him lost wages or direct a trade union to admit a person as a member or reinstate a member. Such an order was final and could be enforced by filing a copy in the Supreme Court.

133. Under the new Act, an allegation must be made within six months of the date of the alleged contravention or the last alleged contravention where the allegation involves a continuing contravention. Claims for compensation or damages are not permitted if the contravention occurred more than 12 months before the allegation was made.

Penalties

134. Contravention of any provision of the Act or a failure to comply with an order made by the board of inquiry constitutes an offence for which a person is liable on summary conviction to a fine. An individual may be fined up to \$1,000. Similarly a corporation, trade-union, employers' organization or employment agency may be fined up to \$5,000. These penalties do not apply to a person who has complied with a board order calling for financial compensation for wages lost or damaged reputation.

Equal Pay

135. An amendment to the Alberta Individual Rights Protection Act expanded the equal pay provisions to protect men as well as women. An employer is prohibited from paying a male employee at a lesser rate of pay than that of a female employee or vice versa for "similar work or substantially similar work". Formerly, this protection was only afforded to females.
136. The Northwest Territories, as a result of a recent amendment to the Fair Practices Ordinance, has added sex and marital status to the grounds to which a complaint of discrimination may be filed relating to accommodation; advertisements; membership in a trade union, employers' association or occupational association; approved programmes of government, private organizations or persons designated to promote the welfare of any class of individuals; as well as employment, save where based upon a bona fide occupational qualification necessary to the normal operation of the employer's business or enterprise.

IV. INDUSTRIAL RELATIONS

137. On November 7, 1973, British Columbia passed Bill 11. - The Labour Code of British Columbia. This Act repeals three former statutes - the Labour Relations Act, the Mediation Services Act and the Trade Union Act.
138. Provisions of this Act increases the size, jurisdiction and power of the Labour Relations Board. An example of added power is in instances where there is a first certification vote being taken, the Board has the authority to freeze wages and working conditions.
139. In addition to normal unfair labour practices prohibitions, a religious conscience clause was introduced. Where a collective agreement requires union membership, the Board may exempt an employee from membership in a trade union if it is contrary to his religious beliefs. However the employee must make a written assignment of wages to the union equivalent to the normal union dues.
140. Collective bargaining procedures were revamped to include appointment of a mediation officer and allowing the Board to conclude a first agreement. In addition, a resident must be representative for an extraprovincial company when a collective agreement is being negotiated and concluded.
141. Every collective agreement made after the Act comes into force must include provisions for dealing with technological change. The definition of technological change is similar to the federal definition.
142. The Act also introduces a labour ombudsman, and special officer and retains the Industrial Inquiries Commission.

Coverage

143. Coverage of the Act is extended to policemen, firefighters, hospital workers and dependent contractors. Dependent contractors are defined as individuals who, by the performance of work or services are in a position of economic dependency more closely resembling an employer-employee relationship rather than that of an independent contractor.
144. As previously, persons employed in managerial or confidential capacities, teachers, domestics, farm workers, hunters, trappers and those professions governed by specific acts such as architects, dentists, engineers, etc., are specifically excluded from the Act.

Unfair Labour Practices

145. In addition to the former provisions, employers cannot suspend, transfer, lay off, or otherwise discipline an employee for union membership or activities.
146. The Act also specifically forbids employers to make use of "professional strike breakers" - i.e., a person who is not a party involved in a dispute whose primary object in the opinion of the Board is to prevent, interfere with, or break up a lawful strike.
147. If employees reside on the property of the employer, a duly authorized representative of a trade union may, under the direction of the Board, enter the property for the purpose of attempting to persuade employees to join a trade union.
148. Any collective agreement that is signed outside the province is invalid unless and until one of the parties notifies the Board and the other party of its acceptance and the Board declares that the agreement is valid.
149. A trade union, a council of trade unions or an employers' organization have a duty to give representation in a manner that is not arbitrary or discriminatory.
150. If after receiving a written complaint, and after investigation it is established that an act of unfair labour practice has been committed, the Board shall order the offender to cease the unfair practice. In addition an employer may be ordered to rectify, reinstate and pay compensation to an employee.
151. On an inquiry by the Board into a complaint against the employer, the burden of proof rests with the employer that he did not contravene the Act. Where an employer has been found, after inquiry, guilty of performing unfair labour practices, the Board may now include in its order a 30 day freeze period (which can be extended to 60 days) directing the employer not to alter wages, terms or conditions of employment of those employees affected by the order.

Labour Relations Board

152. The British Columbia Labour Relations Board is composed of one chairman, one or more vice-chairmen and as many members equal in number, representative of employers and employees.
153. The headquarters of the Board is Vancouver. However, the Board can sit at such places as the chairman decides.

154. The general object of the Board is to maintain industrial peace and promote conditions favourable to settlement of disputes. For this purpose, the Board may, from time to time formulate and publish general policies for the guidance of the general public and the Board. In addition to the former questions that could be decided, this Act now gives powers to the Board to decide whether; an employer is included or excluded from an accreditation, a person is a dependent contractor, a person is engaged in police duties, an organization of trade unions is a council of trade unions, a person is a professional strike breaker, or a trade-union or employer organization is fulfilling a duty of fair representation.
155. The Act confers powers on the Board in order to facilitate the Board's investigation and consideration of any matter within its jurisdiction. Such powers are as follows; summoning and enforcing the attendance of witnesses, administering oaths, examining constitutions of trade-unions & employers' association, entering and examining during regular working hours, any land, ship, vessel, vehicle, aircraft, factory or workshop and amending their own proceedings.
156. All decisions of the Board shall be made available for publication.
157. The Board has exclusive jurisdiction over regulations dealing with strikes, lockouts or picketing. No court can hear an appeal relating to a decision of the Board, nor are the courts able to issue injunctions restraining people from striking, locking out or picketing. These powers rest with the Board. Exceptions could be made where a court is of the opinion that failure to issue an order would constitute an immediate and serious danger to life or health. But no court can enjoin, relating to a labour dispute, upon an ex parte application.
158. The Board has exclusive jurisdiction to decide the extent of its jurisdiction under the sections of the Act which outline its powers, and has the exclusive right to determine any question of fact or of law necessary to establish that jurisdiction.

Collective Bargaining Procedures

159. Where notice to begin collective bargaining has been given and no collective agreement is in force, the employer is forbidden to alter wages or conditions of work unless for just cause for four months after union certification or until a collective agreement is executed. Either party to a collective agreement may at any time within four

months of expiry date, notify the other party to commence bargaining. If no notice is given, then both parties shall be deemed to have given notice 60 days prior to the expiry date. Bargaining shall commence within 10 days after the date of notice.

160. Extra-provincial companies must appoint a resident of the province to bargain, conclude and sign an agreement on behalf of the company. If no appointment is made, the Minister may appoint a resident for the company.
161. During collective bargaining, either party may request in writing to the Minister to appoint a mediation officer. The Minister may on his own initiative, where he feels that it will contribute to more harmonious industrial relations, appoint a mediator.
162. The mediator shall within 10 days of his initial meeting with the parties or within 20 days of his appointment, whichever is the lesser, make a report to the Minister of matters that the parties have or have not agreed upon.
163. In instances where a certified agent and employer are unable to conclude their first collective agreement, either party may request the Minister to direct the Labour Relations Board to conclude the agreement. If the Board settles the contract, the agreement is binding on both parties for a period of one year unless they both agree in writing to vary any or all of the terms and conditions.
164. Firefighters, policemen and hospital workers have the right to strike. However, these employees may submit the dispute to voluntary arbitration which is binding on both parties.

Bargaining Rights

165. Where no collective agreement is in force, a trade union can apply for certification if it has at least 35% of the employees as members in good standing. If a previous certification has been granted, and no agreement is in force, another union may apply 6 months after the date of the previous certification or on an earlier date with the consent of the Board.
166. The Board must direct a representation vote if it finds that between 35% and 50% of the employees are members in good standing. However, if the Board is of the opinion that a representation vote would not disclose the true wishes of the employees, it may grant a certification upon condition that certain prerequisites are fulfilled

for up to 14 months. Failure on the part of the union to meet these conditions shall result in a cancellation of the certification.

167. Where a collective agreement is in force, a union claiming to represent a majority of employees in the unit, may apply to the Board during the seventh and eighth month that the agreement is in force. An application may be made at any time by a trade union, if it is not certified with respect to employees covered by the agreement.
168. Provisions are made for a union to apply for certification in a multi-employer unit. A prerequisite is the consent of the majority of employees in that unit. In addition the employees in the unit must be members in good standing in the applying trade union. The Board must hold a hearing and give all concerned parties the opportunity to make submission. A mandatory vote must be held and the result is determined by total number of employees voting.
169. A trade union may request a representation vote before the Board has determined the appropriateness of a bargaining unit. The Board may then determine who may vote. Where it is found that not less than 35% of the employees in the unit were members in good standing of the union at the time of application the Board may then direct that a representation vote be taken.
170. The granting of certification is determined by a majority of those voting. Where a certification is not granted at least 90 days must elapse before the union can reapply.
171. Supervisory employees may be certified and in certain cases may be included in a bargaining unit of non-supervisory employees. The Board may also vary a certification to include dependent contractors. A dependent contractor is defined as an individual whether employed by a contract of employment or not, or whether furnishing his own tools, vehicles, equipment, machinery, material, or any other thing or not, who performs work or services for another person for compensation or reward on such terms and conditions that he is, in relation to that person, in a position of economic dependence upon, and under an obligation to perform duties for, that person more closely resembling the relationship of an employee than that of an independent contractor. A consent of the majority of dependent contractors is needed to be included in the bargaining unit.

172. The legislation directs the Board not to certify a trade union as a bargaining agent where the Board is satisfied that the trade union is employer dominated or if it discriminates against any person contrary to the British Columbia Human Rights Act.
173. In line with the current trend, the Act introduces provisions dealing with the sale, lease or transfer of a business. In such cases, any proceedings that began before the transfer, continue as if no change had occurred and if a collective agreement is in force, that agreement continues to be binding. With all questions arising under successor rights and obligations, the Board is to determine what rights, privileges and duties have been acquired or retained.
174. The Board on application of one or more trade unions, or on its own motion may certify a council of trade unions or vary a certification by substituting for a trade union or unions, a council of trade unions as bargaining agent for the unit. No constituent union can withdraw from the council of trade unions until it obtains consent from the Board as well as following certain procedures outlined in the Act.
175. Accreditation provisions of this Act remain unchanged. However, new provisions stipulate that an employers' organization cannot refuse or terminate a membership unless, in the opinion of the Board, it is for a fair and reasonable cause. In addition no unreasonable or discriminatory charges, dues, initiation fees or assessments may be levied against a member.

Strikes, Lockouts and Picketing

176. As was the case under the Mediation Commission Act, if a settlement is not reached, employees may strike, provided a strike vote has been taken and the employer has been given 72 hours' written notice and, where a mediation officer has been appointed, provided the trade union has been advised by the Minister that the mediation officer has made his report to the Minister.
177. Similar requirements are laid down with respect to lockouts.
178. A notice of strike or lockout frees the other party from the obligation to give notice. As before no strike or lockout is permitted during the life of a collective agreement.
179. Picketing is permitted at any employer's place of business that is legally struck or has locked out. It is also

allowed wherever the struck employer does anything forming part of the operation of his business unless the operations are under a collective agreement and the Board prohibits the striking union from picketing.

180. A union legally on strike against one employer may also picket another employer who in the opinion of the Board is an "ally" of the struck employer.
181. An "ally" is defined as a person, who in combination, or in concert, or in accordance with a common understanding with the employer, assists an employer in a lockout, or in resisting a lawful strike. And unless he proves otherwise, an ally of employer is a person who performs work, supplies goods or furnishes services that would ordinarily be carried on by the struck employer.
182. In situations when two or more employers carry on a business or operation at a common site the Board of its own initiative or upon an application may reasonably restrict or confine the picketing of the involved employer.
183. Any contravention of these sections, may result in an order from the Labour Board ordering the party to refrain from such action as well as to observe certain conditions as prescribed by the Board.

Collective Agreement Arbitration

184. Mandatory binding arbitration is provided for differences arising out of a collective agreement. If the collective agreement is silent on this matter, then the Act contains provisions for binding arbitration which apply automatically.
185. However, at any time prior to the appointment of an Arbitration Board, either party may request the Board in writing, to appoint an officer to assist in settling the matter. The Board may appoint an officer or may itself inquire into the difference. After holding an inquiry the Board may make an order that is final and binding on the parties, or may refer the matter back to the parties who then shall follow the provisions of the Act with regard to arbitration procedures.
186. The Arbitration Board must hear and determine the difference and issue an award in writing and the decision is final and binding upon the parties and upon any employee affected by it. This decision must not alter, amend or change the terms of the collective agreement, the exception being the substitution of such other penalty as seems just and reasonable to the Board

for the discharge or discipline of an employee by an employer for cause if the collective agreement does not contain a specific penalty.

187. An Arbitration Board may request the Supreme Court to determine any question of law arising in the course of the proceedings.
188. The Court of Appeal may set aside a decision or stay the proceedings of an Arbitration Board if: the arbitrator misbehaved or was unable to fulfill his duties; there was an error of law affecting the jurisdiction of the Arbitration Board, or there was a procedural error resulting in denial of natural justice.
189. All decisions of Arbitration Boards shall be, within 10 days, filed with the Minister and available for public inspection.
190. If there is failure to comply with an Arbitration Board's or Labour Relation Board's award, it may be filed, after 14 days from the date of the award, with the registry of the Supreme Court. The award then becomes a judgement of the Court and enforceable as such.

Technological Change

191. Under the new Act every collective agreement must contain provisions for arbitration, without stoppage of work, with regard to technological change. If no such provisions are present in the collective agreement, the Minister, after investigating the matter, may prescribe provisions binding on all persons subject to the agreement.
192. If the Arbitration Board decides that the employer has or intends to introduce a technological change, the Board shall inform the Minister and make one or more of the following orders:
 - (1) that the change be made in accordance with the terms of the collective agreement unless the change alters significantly the basis upon which the collective agreement was negotiated;
 - (2) that the employer will not proceed with the technological change for such period, not exceeding 90 days, as the Arbitration Board considers appropriate;

- (3) that the employer reinstate any employee displaced by reason of the technological change;
- (4) that the employer pay to that employee such compensation in respect of his displacement as the Arbitration Board considers reasonable;
- (5) that the matter be referred to the Board.

193. If the matter is referred to the Board, the Board may recommend to the Minister that a special officer be appointed or it may order the parties to commence bargaining for the purpose of revising the provisions of the agreement relating to technological change.

Labour Ombudsman

194. A new feature of the Act is the appointment by the Lieutenant-Governor in Council of a "Labour Ombudsman".
195. The ombudsman has the right to hear individual complaints related to Acts administered by the Minister of Labour. After investigating a complaint, the ombudsman shall make recommendations in writing to the party concerned.
196. If satisfactory action has not taken place in due time, the ombudsman can send a copy of his recommendations to the Minister and thereafter to the Legislative Assembly or he may publish them in any manner that he considers advisable.

Special Officer

197. A "Special Officer" may be appointed by the Minister, whenever there is or may be a dispute. This officer confers with the parties and has authority to hold hearings. He may make recommendation or order that the dispute be submitted to the collective agreement grievance procedure or he may arbitrate the dispute himself.
198. If he does arbitrate the matter, his order is binding and he may amend the collective agreement for a 30-day period.
199. The Minister cannot use the special officer provisions of the Act more than twice for the same dispute or difference.

200. As did the former Mediation Commission Act, this legislation provides the establishment of an Industrial Inquiry Commission to make such inquiries into industrial matters in order to maintain and promote industrial peace.

Penalties

201. Penalties for contravention of the Act remain the same; upon summary conviction an individual is liable to a fine not exceeding \$1,000 or if it is a corporation, trade union or employers' organization, to a fine not exceeding \$10,000.
202. Amendments to the new Labour Code of British Columbia were passed in June 1974. These included a definition of "majority", with respect to certification votes. "Majority", as defined in the amendment, means majority of those voting. Previously the Labour Relations Board had discretionary powers to define "majority" on the merit of individual cases.
203. The Labour Relations Board now has greater powers to enforce its orders. It can "impose such conditions as it considers necessary" on the union. The ultimate penalty would be cancellation of the union's certification.
204. Amendments to the Prince Edward Island Labour Act include provisions to establish panels of the Labour Relations Board.

Panels

205. A panel consists of either a chairman and two or more members, or three or more members designated by the chairman of the Board. Two or more panels may proceed with separate matters at the same time.
206. Any matter that is referable to the Board is referable to a panel and a panel has the power and authority of the Board. Decisions are made on a majority basis.

Representation Vote

207. The determination of the views of employees is spelled out more clearly. A simple majority vote, or where at least 75% of eligible employees have voted in favour of an applicant union is proof of the employees' wishes.

An "employee" is defined as:

208. a person employed to do skilled or unskilled manual, clerical, or technical work, and includes police constables appointed under the Police Act employed by a board, commission or agency of, or a corporation, controlled by a city, town, village or other person and also includes persons employed as security police....

SPECIAL GROUPS

Public Servants

209. With the abolition of the British Columbia Mediation Commission, unsettled civil service disputes are no longer to be referred to it for binding mediation. A commission appointed to inquire into civil service bargaining reported at the end of 1972.
210. On April 18, 1973, The Public Service Labour Relations Act was introduced but did not progress beyond first reading. Subsequently, this Act was re-introduced in the British Columbia legislature and received Royal Assent on November 7, 1973.
211. The Act covers all civil servants except employees of Crown Corporations, the Queen's Printer, the British Columbia Energy Commission, The Insurance Corporation of British Columbia and the British Columbia Development Corporation. Also excluded from the Act are deputy or assistant deputy ministers, law officers of the Crown, officials of the court (registrars, and chief and deputy chief official court reporters), personnel officers as well as persons employed for a period of less than 60 days.
212. The government bargaining agent is the Public Service Commission, acting on behalf of and under the direction of the Treasury Board. The employees are to be represented by unions certified by the Labour Relations Board. The Board is required to issue a certification where it is satisfied that a union has majority membership in a bargaining unit, and could order a vote of employees where there is between 35 and 50% membership.
213. The Bill contemplates three bargaining units: psychiatric and registered nurses, other licenced professionals, and a public service bargaining unit including all other employees.
214. The Board may receive an application for certification from another union where there has been no collective agreement concluded within 12 months of the original certification, or during the seventh and eighth months of a collective agreement. To be considered for certification, the challenging union must represent the majority of employees in the bargaining unit.
215. The Act contains union security provisions. An employee need not belong to a certified union as a condition of employment, but must join the union within 30 days of being employed.
216. As does the British Columbia Labour Code, this legislation contains a religious conscience section, whereby an employee who because of his religious belief is opposed to joining or belonging to a union may be exempted, with Board approval, from a union security clause.

217. Voluntary mediation and voluntary binding arbitration provisions are included in the new Act. Where a dispute exists, either party may request the Board chairman to appoint a mediator. If an agreement is still not affected then the parties may jointly request binding arbitration.
218. The Arbitration Board would consist of three members, one each nominated by the parties, and a chairman to be nominated by the previous two. Failing nominations by the parties, the Board would make appointments.
219. Where the parties do not request mediation or arbitration, the union may conduct a strike vote by secret ballot. If the majority vote is in favour of strike action, a strike may take place only within the three months immediately following the vote. At least three days' written notice must be given to the Civil Service Commission.
220. In a lockout situation, the union must be given three days' written notice.
221. Technological change provisions have been included. "Technological change" is defined as:
- (i) the introduction by the Government into its work, undertaking, or business of equipment or material of a different nature or kind than previously used by the Government in the work, undertaking or business; or
 - (ii) a change in the manner, method, or procedure in which the Government carries on its work, undertaking, or business that is directly related to the introduction of that equipment or material
- that would significantly decrease the number of employees; but would not include normal layoffs resulting from a decrease in the amount of work to be done.
222. The Government would be obliged to give the employees' bargaining agent notice of intended technological change. Bargaining would then have to commence within 14 days regarding the intended change.

223. Where an agreement was not reached prior to the full implementation of the change, the union could apply to the Labour Relations Board to have the existing agreement terminated.
224. Where no notice was given, the Board could, upon written application from the union or an employee, investigate and make a binding decision as to whether the alleged change would constitute a technological change.
225. Where the Board concluded the alleged change would be a technological change, then it would have to notify the Government and the parties would be obliged to begin bargaining within 14 days.
226. If the technological change had already occurred, and no agreement was reached within 14 days, then the union could apply to the Board to have the collective agreement terminated.
227. Unfair labour practice provisions forbid the Government from interfering with unions or discriminating against employees engaged in lawful union activity. Also, no officer or member of a union shall intimidate or coerce an employee to become a union member.
228. The new Public Service Act of British Columbia repeals the former Civil Service Act.
229. The Act establishes a five member commission appointed by the Lieutenant-Governor-in-Council titled the "Public Service Commission". The object of this Commission is to develop, maintain, administer and supervise the public service. In order to achieve this end, the Act specifies certain duties that are the responsibility of the Commission: to examine and establish qualifications for positions, job classifications and promotions; to sponsor, encourage and administer safety programs; to discipline, subject to regulations, an employee; and to negotiate on behalf of the Government under the Public Service Labour Relations Act.
230. In addition, this Act establishes a Public Service Grievance Board consisting of three members appointed by Lieutenant-Governor-in-Council; one of whom is a person nominated by the employees or their agent. The duties of the Board are to investigate, hear and determine grievances submitted by employees or their representative, and to make general rules of procedures. All decisions or findings of the Board are final and binding.

Teachers

231. Ontario introduced, on December 10, 1973, Bill 275 - An Act to amend the Schools Administration Act.
232. This Act outlines procedures under which a school board and its teachers may negotiate agreements with respect to terms and conditions under which teachers are employed.
233. After having given or received notice to commence bargaining as specified in the Bill, both parties, the Ontario Teachers Federation and the School Board shall bargain in good faith within 15 days of the date of notice. If negotiations have continued for a period of time as established by the Bill, either party may request mediation services by notifying the other party and the Education Relations Commission Arbitration Board, the Commission has the power to make such an appointment. The decisions of the Arbitrator or Arbitration Board are final and are to be incorporated into the agreement.
234. In addition a Teacher-Board Relations Committee shall be established in every Board district to consider and discuss educational matters of mutual concern and to make recommendations thereon to the Board.
235. With threat of mass resignation of teachers in a number of school boards across the province, the Ontario Government introduced Bill 274 - An Act to amend the Ministry of Education Act.
236. Any resignations made by teachers on or after September 1, 1973, for the sole purpose of strengthening their negotiating position are declared void.
237. Teachers are required to continue their duties in accordance with their contract of employment. If an agreement is not reached by the time the resignations are effective, the matters in dispute are to be submitted to final and binding arbitration. Bill 274 was not passed, and teachers returned to their duties.
238. Bill 275 will be re-introduced at the fall 1974, sitting of the Ontario Legislature.

Police

239. Saskatchewan passed the Police Act, 1974, which governs collective bargaining by municipal policemen in that province.
240. Towns having a population of more than 5,000 must have a board of police commissioners, which for purposes of The Trade Union Act, 1972, is deemed to be the employer. Towns of less than 5,000 persons may appoint a board if they wish to do so.
241. A board consists of the mayor of a municipality plus two other members appointed by council, one of whom must be a member of council.
242. Where a municipality has no board of police commissioners, bargaining is carried out between the town council and the union local certified to bargain on behalf of the policemen.
243. Where no collective agreement has been concluded by between 30 and 60 days prior to the expiry of an existing agreement, or, in the absence of an existing agreement, prior to the first day of February in any year, either party may request that a board of arbitration resolve the matter. Arbitration may also be requested where either party refuses to commence collective bargaining within 15 days after being requested to do so by the other party.
244. An arbitration board consists of an appointee of each party, plus a mutually appointed chairman. Failure by the parties to make appointments results in the appointments being made by the Lieutenant-Governor-in-Council.
245. The arbitration award is final and binding, unless prior to bargaining the union local has decided that an impasse will be allowed to culminate in a strike by the employees.

Nurses

246. In Prince Edward Island, a regulation passed under the Nurses Act provides for province-wide collective bargaining for nurses in that province. Bargaining takes place between the Provincial Collective Bargaining Committee and the government appointed Health Negotiating Agency. This agency is comprised to two representatives of the Hospital Services Commission, three representatives of the Hospital Association of Prince Edward Island, and two representatives of the Treasury Board.
247. The actual employer is the local hospital board, but that board must bargain through the Health Negotiating Agency, which is provided for in 1974 amendments to both the Hospitals Act, and the Hospital and Diagnostic Services Insurance Act.

Consultation

248. The regulation provides for "consultation", that is, discussions designed to allow direct employee participation in the solution of problems, and the development of the best possible every-day work situation.
249. Both provincial and local consultation are provided for.
250. Consultation is carried on through an "Employer-Employee Consultation Committee", as provided for in the Hospitals Act. This committee is made up of both employer and employee representatives.

Bargaining

251. The parties are required to meet for negotiations within 20 days after either gives notice to bargain. Bargaining is then to continue for 45 days, or longer if mutually agreed.
252. Within seven days of the expiry of the negotiation period, either party may request the Minister to appoint a conciliator. The Minister then has seven days to comply, and the conciliator has 14 days to report.
253. Where the parties have bargained in good faith, but have failed to reach an agreement, either party may make a request to the Minister for binding arbitration. If the Minister deems that arbitration is in order, he appoints a board consisting of a nominee of each party, plus a chairman mutually nominated by the first two members.
254. After an inquiry, the board has ten days (or longer, if the parties agree), to make an award, the terms of which become a collective agreement.

255. As mentioned above, Prince Edward Island has amended the Hospitals Act and the Hospital and Diagnostic Services Insurance Act. The purpose of the amendments are twofold. First of all the statutory obligation is placed on the Hospital Services Commission and hospital boards to bargain collectively with the nurses. Secondly, the Treasury Board is brought into the collective bargaining process as an active, rather than a passive participant. This is achieved through the inclusion of representatives of the Treasury Board on The Health Negotiating Agency, and the requirement that financial offers must have the prior authorization of the Treasury Board.
256. An amendment to the Prince Edward Island Labour Act adds nursing home employees to the group of employees (police force, firemen, hospital employees) with no right to strike.

Emergency Legislation

257. On August 31, 1973, Parliament enacted the Maintenance of Railway Operations Act (Bill C-217) providing for the resumption of railway services.
258. Involved in the dispute were three groups of employees - the non-operating, the shopcraft and the railway operating employees and Canada's two major railway companies as well as other shortline companies.
259. By the use of selective strikes, railway operations were suspended regionally on July 26, and nationally on August 23. In addition to normal procedures of mediation and conciliation, the Minister of Labour, John C. Munro, appointed Judge Alan B. Gold as mediator to help bring about a settlement. After all avenues of solution of the dispute were exhausted and a national strike ensued, Parliament was recalled into special session on August 29.
260. Bill C-217 invalidated all prior authorization to take strike action as well as forbidding the railway companies to refuse to permit any striking employee from resuming work duties.
261. The legislation provided for the extension of all collective agreements from January 1, 1973, to the day on which any new collective agreements come into effect, or December 31, 1974, whichever is the earlier.
262. In addition, the Act ordered all railway companies and unions to resume negotiations immediately and to make every reasonable effort to conclude a new contract. In any event, any new settlement could not expire before December 31, 1974.
263. The Minister was empowered to appoint mediators in the reopened negotiations. In addition the Governor in Council could, on the Ministers' recommendation, appoint an arbitrator whether or not a mediator has been appointed.
264. Specific wage increases were made to the three employee groups in three stages extending until July 1, 1974. Any subsequent wage settlements reached through arbitration can in no way be lower than those stated in the Act.

265. Also in the federal jurisdiction, the Canada Labour Code provides that the Governor-in-Council may prevent strikes between Parliaments, if such strikes are deemed to be contrary to the national interest. On May 24, 1974, a regulation was passed which declared that no strike nor lockout would be allowed with reference to the dispute between the United Grain Growers Ltd., Alberta Wheat Pool, Burrard Terminals Ltd., and Grain Workers Local 333, until seven days after the return of the writs at the general election, which was held on July 8, 1974.
266. In Ontario, the legislature passed Bill 12, the York County Board of Education Teachers Dispute Act, 1974. The act was passed as a result of a six-week work stoppage by secondary school teachers in York County. There had been approximately ten months of bargaining and mediation, and an impasse had been reached.
267. The act ordered an immediate resumption of employment (teachers had "resigned"). Provision was also made for binding arbitration in order to settle all unresolved matters. The arbitration board consisted of a nominee of the school board, a nominee of the teacher's federation, and a mutually appointed chairman.
268. The Act included a salary schedule to remain effective until the arbitration board made its award. The final salary award had to be at least equal to the schedule contained in the Act.

V. INDUSTRIAL SAFETY AND HEALTH

Federal Regulations

269. Four more sets of regulations have been issued under the Canada Labour Code, Part IV (Safety of Employees) -- Motor Vehicle Operators Hours of Service on October 31, 1973, Noise Control Regulations on January 31, 1973, Electrical Safety Regulations on November 28, 1973 and Protective Clothing and Equipment Regulations on January 15, 1974.
270. The Canada Motor Vehicle Operators Hours of Service Regulations set the hours of service for motor vehicle operators engaged in inter-provincial trade or the transportation of mail and the returns to be made by motor carriers.
271. Except in certain circumstances, a motor vehicle operator must be off duty at least 8 consecutive hours before beginning a work shift. Hours of service are limited to 15 hours on duty per work shift (not more than 10 of which may be driving time) and 60 hours on duty in a work week unless precluded by unusual operational requirements and authorized by permit. Inspectors may declare "Out of Service" operators exceeding the maximum service allowed. Operators' daily logs and carriers' records of operators' hours of service must be maintained. With some exceptions, motor vehicles must bear identification devices and the carriers' name or symbol.
272. An amendment to the Motor Vehicle Operators Hours of Service Regulations provides for a motor vehicle operator whose home terminal is in the United States and who operates to any point in Canada to comply with the Canadian Regulation for daily logs if he uses and maintains the Record of Hours of Service set out by the Bureau of Motor Carrier Safety of the United States Department of Transportation in the manner prescribed by these Regulations.
273. A motor vehicle operator must, upon request, produce his daily log for a safety officer or motor transport inspector.
274. An amendment to the Noise Control Regulations provides a new schedule of maximum permitted noise exposure at a worksite, reducing the sound for 8 hours exposure per work day from "90 (decibels) or more but less than 92" to "more than 87 but not more than 90 (decibels)" and bringing the rest of the schedule in line.
275. The Department of Transport issued Safe Working Practices Regulations under the Canada Shipping Act on August 21, 1973. The new regulation allows for the refuelling of equipment in the hold or in an enclosed space of a ship

if certain requirements set out in the regulation are met. The requirements relating to hot work performed in a working area have been reworded and extended to include hot work being performed in a tank that has previously contained petroleum products.

276. The Electrical Safety Regulations issued by the Federal Government apply to any employment in connection with any federal work, undertaking or business and to any corporation established to perform any function or duty on behalf of the Government of Canada.
277. Canada Electrical Safety Regulations outline in detail what has to be done and what cannot be done by employers and employees about plans, design, construction, operation, use, repair and maintenance of an electrical facility.
278. General precautions are set out and the regulations provide that in some cases (nature of the work, condition or location of the site) it is necessary that the work be observed by a competent person appointed as a safety watcher to warn employees of danger and to ensure that all safety procedures are complied with.
279. The regulations ensure that each employee is provided with adequate equipment designed to minimize the risk of injuries.
280. According to these Electrical Safety Regulations the employer shall ensure that any poles or elevated structures are safe for climbing. In addition to this, no employee shall be permitted to work on these poles or elevated structures unless he has been trained in the rescue of persons who may be injured in any such work.
281. The regulations specify the minimum working distances from live conductors. They also establish a procedure that gives the employee a written guarantee of isolation for an electrical facility. The employer, or his authorized representative, has to take full responsibility for the guarantee.
282. Various rules governing safety grounding and lightning protection are included in the regulations.
283. Canada Protective Clothing and Equipment Regulations have been amended. A new section entitled "Life Saving and Rescue Equipment" has been added.
284. Where an employee performs any kind of work in which there is a risk that he may fall into the water, drown, or require assistance, the employer must ensure that life saving and rescue equipment is provided in a quantity and of a type

and quality approved by the Chief of Accident Prevention Division of the Canada Department of Labour. Such life saving and rescue equipment shall be maintained and kept at all times at locations designated by the Division Chief. This regulation became effective on January 15, 1974.

Boilers, Pressure Vessels

285. Ontario passed regulations under The Boiler And Pressure Vessels Act to define units like cushion tanks, hot water storage tanks, and refrigerant vessels. Inspection requirements for the units defined are set out and previous inspection requirements are revised. (Effective August 27, 1973).
286. In Quebec, the old regulations being obsolete because of technological changes, a new set of regulations was issued under the Pressure Vessels Act. They include provisions concerning inspection, repairs, alteration, repairs on safety devices and welding procedure for pressure vessels. They also deal with construction and inspection of pressure vessels, including general requirements, registration of designs, stamping, pressure gauges, etc. (Effective December 27, 1973).

Hoisting Equipment, Cranes

287. In Manitoba regulations under the Employment Safety Act have focused particular attention on safety in the operation of hoisting equipment such as derricks and cranes. Hoisting equipment is to be erected, used and maintained in accordance with the specifications of the manufacturer and any deviations are to be certified as being safe by the manufacturer or a qualified professional engineer. (Effective October 3, 1973).
288. Tower cranes may operate at below freezing temperatures if they do not exceed the load temperature ratio specified by the manufacturer or a qualified professional engineer. Standard form load/temperature data must be made available to operators and loading supervisors of tower cranes and to any authority with respect to the cranes.
289. A log book is to be provided and maintained for each powered crane, derrick and hoist. The log book must show the maintenance and inspection history and any structural modifications of the hoisting equipment and all preventive maintenance work.
290. A direct verbal communications system must be installed and maintained between a tower crane operator and the hookup or signal man.

291. Foundations for tower cranes are to be designed or approved by a professional engineer.
292. Newfoundland passed a regulation to amend regulations under the Elevator Act, 1969. Devices used solely for the movement of freight, which were installed and operating prior to the passing of the Act are added to the list of elevators excluded from the application of the act provided certain conditions set out in the regulation have been adhered to in full.

Construction

293. The amended Ontario Construction Safety Act, 1973, proclaimed in force on August 1, 1973, applies to every construction project in the province including those being constructed by or on behalf of the Crown. There are exemptions, such as mining and work done by the owner on a farm. The Act incorporates provisions of the Trench Excavators' Protection Act and provisions concerning underground workers from the Ministry of Labour Act.
294. Responsibility for enforcement is removed from municipal organizations and placed under the Ministry of Labour. Inspectors will be appointed under the Public Service Act and directed by a Department of Labour Director. Inspectors' powers are modified and confidential matters strengthened, Crown liability in respect of torts by inspectors defined. Appeals from inspector's decisions or orders may be made to the Director. Contractors must notify the Director before commencing work on a project, except in emergency.
295. In order to facilitate the changes in the Construction Safety Act, Ontario issued a general regulation under the Act to cover all aspects of workmen's safety and health protection on construction projects including tunnel construction and work in compressed air. The regulation came into force on August 1, 1973, the date of proclamation into force of the Construction Safety Act, 1973.
296. In Quebec a Construction Safety Code issued under the Industrial and Commercial Establishments Act, comes into force on September 1, 1974. This code applies to any work carried out on a construction site. It includes the main content of former regulations governing construction sites, handling and use of explosives, work in the proximity of electrical lines, shoring of concrete formwork, use of explosive-actuated tools and work in compressed air.
297. The old regulations concerning the safety of persons working in tunnels and open caissons and also regulations related to works performed on underground sites have been revised because of present technological and administrative conditions.

298. A new legislation concerning the safety of persons working on streets, roads and highways has been introduced in the Construction Safety Code.
299. Where traffic control becomes necessary or where workers are endangered due to insufficient signs or barricades, poor visibility or road conditions, the employer must ensure that a flagman is on duty. Each flagman has to be supplied with the necessary visible clothing and the employer shall ensure that all safety and traffic devices are put in place before work begins.
300. Specific rules are set out to govern the use of traffic and safety devices and the new legislation includes different methods of signalling according to the place of work: on roads in urban regions, in rural regions and on highways.

Electrical

301. Québec and Alberta amended previous regulations concerning electrical equipment and installation.
302. Alberta brought into existence a regulation under The Electrical Protection Act to amend regulations governing the manufacture, installation and inspection of electrical equipment. All electrical equipment which is manufactured, used, sold, displayed, offered for sale or other disposal in the Province must be of approved design and material and bear a nameplate with details of marking stipulated in the Canadian Electrical Code and bear evidence of approval. (Effective September 12, 1973).
303. Because of technical developments in the field of electricity, a new electrical code has been enacted in Québec under the Electricians and Electrical Installations Act. The code prescribes the material and electrical accessories and apparatus which may be used in electrical installation work in the province. (Effective May 1, 1974)

Mining

304. Newfoundland and New Brunswick amended their regulations concerning safety and health in mining operation.
305. In Newfoundland the regulations were issued under the Mines Act and deal with the safety of underground vehicles. Such vehicles shall be equipped with seat belts or restraining harness for the operator and each passenger, and an overhead roll-bar must also be installed.

306. Specifications must be provided to the Chief Inspector of Mines for approval before such equipment is installed or used; every order regarding seat-belt, restraining harness, roll-bar, light or warning device must be complied with.
307. Approval of the Chief Inspector of Mines is required for any alteration or addition to any underground vehicle and no vehicle shall be operated during alteration or addition until it has been inspected by an authorized inspector.
308. Every time a vehicle is taken underground or is removed from a mine to be used in a mine elsewhere, a notice in writing must be sent to the Chief Inspector with particulars to identify such vehicle. His approval in writing is required to complete such an operation.
309. In New Brunswick the regulations concerning the operation of mines and quarries under the Mining Act have been revised.
310. Regulations specify that it is the duty of every person in charge of workmen and every person who handles explosives, or who operates, installs or has to do with maintenance of any machinery or electrical apparatus, to know the requirements of the regulations that apply to the work in which he is engaged.
311. Where an outbreak of fire occurs that endangers the health or safety of one or more persons and the services of the mine rescue station are required, the owner or manager shall immediately notify the Inspector. Where a rockburst occurs the notice shall be sent within 24 hours and particulars must be provided upon request of the Inspector. A complete record of the occurrence of rockbursts must be kept.
312. The new regulation sets out the content of mine plans that are to be kept by the owner, agent or manager.
313. To increase fire protection underground, the manager shall depute some competent person(s) to make an inspection of escape routes and exits at least once a month. A record of such inspection and the conditions found must be made.
314. Where fire may endanger the mine entrance or the underground workings of a mine, suitable measures for protection against fire shall be adopted and rigidly adhered to. In case of fire, a general procedure shall be drawn up and it is mandatory that all persons concerned be informed of their duties. Copies of the procedure are to be posted in prominent places, tests of effectiveness must be made annually and a report of this test forwarded to the mine Inspector.

315. If in the opinion of the Inspector a fire hazard may be created at a mine by smoking, or by open flame lamps or other means producing heat and fire, he may designate the mine or part of the mine as a "fire hazard area." Such fire hazard areas shall be marked by suitable warning signs and no person is allowed to smoke or use open flame lamps or other means producing heat and fire in the area except with the written permission of the mine Inspector.
316. Unused underground workings that are not in the main ventilation circuit shall be tested for gas before being used again. When unused, these underground workings must be barricaded off and warning signs posted.

Factories

317. Regulations concerning female factory employees made under the British Columbia Factories Act have been repealed. Women are no longer prohibited from lifting more than 35 pounds or from doing any type of overhead lifting or stacking.
318. The new regulations issued under the British Columbia Factories Act apply to factories, offices and shops as defined in the Act.
319. Before commencing the erection or alteration of any building which is intended to be used as a factory, the owner or his agent shall submit to an Inspector, plans and specifications for approval. This requirement applies to offices and stores when an Inspector so directs. Exemptions can be made by the Inspector General.
320. Where in any industrial establishment any form of ionizing radiation is used, the employer has to provide for special means of construction or appliances as an Inspector may direct.
321. Proper illumination shall be provided and maintained in every part used by employees. Plans and specifications for new lighting systems must be submitted to an Inspector for approval.
322. The Inspector may prescribe in writing a standard in respect to both the level and quality of illumination and for emergency lighting, standby and exterior lighting.
323. Workers have to be so placed that they will not have to face windows or other sources of light of high brightness in close proximity. Arrangements must be made to prevent fatigue, discomfort or injury by the reflection of light from shiny or mirror-like surfaces or the formation of shadows that might affect the worker.

324. The regulations include tables setting out the minimum level of illumination to be maintained in working areas of factories, offices and shops according to tasks involving different sight levels. Other tables deal with the brightness ratios and the limits of reflective values in working areas of factories and offices.
325. The regulations ensure that workers are not exposed to concentrations of atmospheric contaminants. The American Conference of Governmental Hygienists' threshold limit values shall be used as a guide in appraising acceptable standards. An Inspector shall, where necessary, specify other concentrations of contaminants that may affect the health or comfort of workers.
326. The presence of any substance that can endanger the health of a worker must be indicated clearly in the working area.
The percentage of such ingredient has to be provided when requested by the Inspector.
327. Specifications and drawings of installation or extension of any exhaust, heating, ventilation and air-conditioning systems must be submitted to an Inspector for approval.
328. Regulations specify that outside air shall be provided for factories, offices and shops unless an Inspector directs otherwise. No method of ventilation shall be employed when it results in the escape into the air of any fume that can affect the workers. A temperature of 70 degrees Fahrenheit must be maintained in offices and shops and 65 degrees in factories.
329. In factories, an Inspector shall be the judge of the effectiveness of every local exhaust ventilation system. Exhaust systems handling atmospheric contaminants and discharging to the outer air must be provided with suitable air-cleaning devices unless otherwise approved by an Inspector. The discharge from any exhaust system shall be such that no air contamination will enter any window, door or other opening in quantities sufficient to create a health hazard or a nuisance.
330. Concerning elevating devices, an operator of a workmen's hoist is required to be selected by the union having jurisdiction over such hoist operators and the union must provide the Chief Inspector with a recommendation in writing signifying his qualifications.
331. The hoist operator must report any apparent defect of the equipment or its operation to the contractor immediately. If the report is not acted upon within 24 hours, the Chief Inspector must be notified.

Gasoline Handling

332. In Ontario, the Gasoline Handling Regulation has been amended. The regulation now establishes some safety specifications in the installation of tanks and in the construction of tank trucks.
333. No tank truck, trailer or semi-trailer having one or more tanks mounted on the chassis thereof, may be operated unless it is designed to have good road stability; it is maintained in good operating condition and inspection before each use shows that the tank and its liquid carrying components are not so worn or damaged as to be likely to spring a leak.
334. When an operator of a vehicle has reason to believe that the vent of a tank may be obstructed, he must immediately report the obstruction to the person responsible for the care of the tank or when it is impossible to contact that person, to his supervisor. In the event of spillage or other loss of product, the operator must take immediate corrective action and notify the nearest inspector within 24 hours.

First-Aid

335. New first-aid regulations have been passed in Alberta, British Columbia and Québec.
336. In Alberta, the First-Aid Regulations effective March 1, 1974 give a prevention officer the authority to issue an order requiring the employer or supervisor to make such changes, improvements or additions as may be necessary to bring the standard of first-aid supplies and services up to that required by the Regulations.
337. Where there is more than one employer at a place of employment, the first-aid supplies or services may be provided and maintained by an arrangement between the employers which is satisfactory to the Board.
338. Every employer shall at all times, cause to be kept posted at conspicuous locations "Notice to Workers" placards in respect of the necessity of reporting all accidents and receiving first-aid treatment for any injuries.
339. Employers must keep a record of all injuries and any first-aid treatment given to a worker and whenever required by the Board must, at their own expense, install, maintain and provide such first-aid appliances and service as may be directed.

340. Workers have the responsibility to report all injuries to the employer or supervisor as soon as practical. When a worker is treated by a physician following an injury, he is to notify his employer of any anticipated loss of working time as soon as possible.
341. The operator of an emergency vehicle furnished by an employer or an accompanying person shall have valid first-aid qualifications.
342. Where there are more than five workers actively employed at one time at a place of employment and the workers are engaged in any hazardous industries as listed in the Regulations, it is mandatory that at least one worker on every shift has first-aid qualifications acceptable to the Board and that stretcher, blankets and splints are provided.
343. In industries other than those designated as hazardous in the Regulation, where there are more than twenty-five workers actively employed at one time at a place of employment, more than five transportation miles from a physician or hospital, a stretcher, blankets and splints must be available and at least one worker on every shift shall have first-aid qualifications acceptable to the Board.
344. From March 1, 1974 to March 1, 1975 where there are one hundred or more workers actively employed at one time at a place of employment, a first-aider having at least current qualifications in standard first-aid shall be placed in charge of the first-aid work. After March 1, 1975 the first-aid attendant-in-charge must have qualifications in advanced first-aid.
345. Where there are two hundred or more workers actively employed at a place of employment, a nurse shall be placed in charge of the first-aid work.
346. In British Columbia, regulations were prepared after consultation with a Workmen's Compensation Board - Labour-Management Committee and after four public hearings. They came into force on June 1, 1974, except for the provisions relating to the Survival Aid Certificate that will become effective on a date to be announced.
347. Industries are ranked in three categories according to probable risk of injuries. The requirements for first-aid equipment, supplies and services are related to the criteria of the number of workers exposed to risk and the accessibility of hospitals.

348. In general there has been a reduction in the number of workmen per shift that requires the employer to supply a first-aid room and a first-aid attendant.
349. Changes have been made to the hazard exposures tables. The criteria related to accessibility to hospitals is now based on 20 minutes surface travel time instead of five miles.
350. Due to the nature and location of the operation or to the distance from a hospital or equivalent fixed facilities, the Board may order that the number of workers be considered as the greatest number on any one shift or the total number on all shifts.
351. Where the place of employment is located more than one hour's surface travelling time from a hospital and workmen are lodged at or near the place of employment, the "number of workmen per shift" becomes the total number of workmen at the place of employment whether on or off shift.
352. Any conveyance used by workmen under the control of the employer shall now be equipped with a first-aid kit the size of which is determined by the vehicle seating capacity.
353. Regulations rule that when an employer whose industry is listed in the high risk class, has workmen carrying on work activities more than 20 minutes surface travelling time from the main first-aid facilities required, for each group of five or more workmen, there must be one workman who holds a **Survival First-Aid Certificate**. When the number of workmen is 36 or more an emergency transportation vehicle must be provided.
354. The employer whose industry is classified in the average risk or low risk class, shall provide a No. 1 Unit Kit (as described in the regulations) for each crew of fewer than five workmen when their work activities are located more than 20 minutes surface travel time from the main first-aid facilities. Where there are five or more workmen they shall be provided with additional first-aid equipment as prescribed in the appropriate table.
355. Because of changes in medication and in order to meet new first-aid requirements Québec issued a new **First-Aid Services Regulation** effective January 26, 1974.
356. The employer whose industry comes under the Workmen's Compensation Act must maintain first-aid facilities for his employees not only in the place of employment but in transportation vehicles and at other work locations.

- 357. There has to be a quarterly verification of first-aid kits and their contents. The quantities of any item specified in the regulation for each first-aid kit may be increased according to the needs.
- 358. The regulation provides for additional first-aid standards for construction, forest industry and transportation.
- 359. On a construction repair or demolition site the general contractor must furnish a first-aid kit in conformity with the number of employees and it must be kept in an appropriate location.
- 360. Every employer of forest workers shall furnish and maintain at a central location a stretcher with blankets and a first-aid kit as described in the regulation.
- 361. Every employer using a motor vehicle for the transportation of workers or operating railroad units outside their yard service shall supply it with the first-aid kit prescribed in the regulation. The same applies to employers of workers transporting goods or operating a bus outside the urban region or using heavy equipment in a location where a first-aid station is not easily available in case of accident.

General

- 362. Alberta has amended its regulation respecting the protection of workers from the effects of noise and safety regulations governing petroleum, lumber, construction, explosives and general safety have been replaced. (Effective January 1, 1974).
- 363. In the regulation protecting workers from the effects of noise, the table showing permissible noise exposures has been replaced. The new table shows a general reduction in the sound level acceptable of 5 DBA per level of duration of work. For 8 hours a day exposure the permissible sound level is now 85 DBA. This came into force January 1, 1974.
- 364. Safety regulations respecting petroleum, lumber, construction, explosives and general safety regulations have been replaced. Some technical changes have been made and the term workman or workmen has been replaced by worker(s).
- 365. Regulations were issued in Québec under the Industrial and Commercial Establishments Act relating to forestry operations and foundry works. Regulations concerning the Act respecting explosives have been amended and an Order in Council was passed concerning the formation of a committee on industrial health and safety.

366. The regulation concerning forestry operations relates to all aspects of safety, health and morality of employees. This new regulation came into force on October 17, 1973, and covers such areas as forestry and roads, forestry equipment, safety at work, personal protection equipment and the welfare of workers.
367. The regulation relating to foundry works is large in scope and covers all aspects of safety and health in foundries. The regulation came into force on October 10, 1973.
368. Amendments to the regulation concerning explosives deal with the transportation of explosives by road and by railroad. A road vehicle must be equipped with an approved anti-theft system and must be made according to special specifications. When the transport is done by railroad the contents must be locked up or sealed.
369. Various motives caused the formation of a committee on industrial health and safety in Québec. The enforcement of laws and regulations was under the jurisdiction of different departments and bodies. Consequently employers, employees, associations, unions and other persons had to consult different bodies in order to be able to conform to laws and regulations and to take necessary preventive measures. There also was a need to coordinate the activities of the departments and bodies whose responsibility it is to see to the enforcement of laws respecting industrial health and safety, as well to the prevention of work accidents and industrial diseases. Finally it became urgent to establish a comprehensive policy respecting health and safety in the province.
370. The committee is established under the name "Committee on Industrial Health and Safety" and is responsible to the Minister of Labour and Manpower. It is composed of representatives of departments and bodies interested in the prevention of occupational accidents and diseases.
371. The committee must make a monthly report of its activities, as well as a summary of the situation to the Minister of Labour and Manpower and recommend amendments to the present laws and regulations, prevention methods and organization of material and manpower resources. It may make any other recommendation it deems necessary respecting the preparation of a comprehensive policy for the prevention of work accidents and industrial diseases. The committee has also the duty to establish means of coordination between the different departments and bodies interested in this field.

VI. WORKMEN'S COMPENSATION

372. Several provinces amended their workmen's compensation legislation during the past year. Alberta passed a new Act, the Workers' Compensation Act, effective January 1, 1974, to replace the Workmen's Compensation Act of 1948. The new Act includes revised procedures for processing claims, a general upgrading of benefits and increased emphasis on safety education. The Act is specifically called The Workers' Compensation Act to end previous male chauvinism in the compensating of Albertans injured on the job. Also implemented is a policy of universal application with exclusions reversing the previous approach.

Earnings Ceiling

373. The ceiling on maximum annual earnings on which compensation payments are based was increased from \$7,600 to \$10,000 in Alberta and in British Columbia from \$8,600 to \$9,600, effective January 1, 1974. Newfoundland increased its ceiling on annual earnings from \$7,000 to \$9,000 which raised the weekly compensation rate from \$100.97 to \$129.81 effective January 1, 1974. New Brunswick raised its ceiling from \$7,000 to \$7,500 which raised the weekly compensation from \$100.97 to \$129.81, effective January 1, 1974. Another increase to \$9,000 for workers of 21 years or over will come into effect January 1, 1975. Nova Scotia increased its ceiling on maximum annual earnings for purposes of computing compensation from \$7,000 to \$9,000 effective January 1, 1974.
374. Nova Scotia amended the Workmen's Compensation Act to increase the minimum earnings base for volunteer firemen from \$2,000 a year to \$3,600 a year excluding amounts in excess of a maximum \$9,000 a year in computing earnings. Also, the minimum earnings base for permanent partial disability is increased from \$200 a month to \$300 a month and the revised base would apply to all permanent partial disability pensioners regardless whether the degree of disability is less than 15 per cent. The amendments are effective January 1, 1974.

Disability Benefits

375. Provisions governing compensation for disability were amended in five provinces.

The new minimums are as follows:

<u>Disability</u>		
	<u>Permanent Total</u>	<u>Temporary Total</u>
Alberta (effective January 1, 1974)	\$275 a month	Periodic weekly payment for period of disability equal to amount paid for permanent total disability
British Columbia	\$281.54 a month	\$42.85 a week or earnings, if less
New Brunswick	\$250 a month	\$45 a week or earnings, if less
Nova Scotia (effective January 1, 1974)	\$225 a month and \$45 a month for each child under 18 years or to age 21 if education being continued	Not less than 75% of the minimum wage fixed by the Minimum Wage Board
Ontario	\$250 a month	\$55 a week or earnings, if less

376. In Alberta, where permanent or temporary partial disability results from the injury, the Board must estimate the impairment of earning capacity from the nature and degree of disability by reason of the injury and award compensation based upon 75% of the worker's average weekly earnings computed in accordance with the Act.
377. On and after January 1, 1974, a person receiving compensation for permanent total or permanent partial disability under any Workmen's Compensation Act of Alberta, irrespective of the date or time of the award or the accident that occasioned the award, shall be granted an additional payment of compensation sufficient to bring the monthly payment to him up to \$275 for total disability and a proportionate amount thereof for partial disability calculated according to the percentage of disability assessed. These amounts represent the minimum amounts payable for permanent or partial disability.

378. The amount of compensation to which an injured person is entitled for temporary total disability under the Act must not be less than the weekly equivalent of the amount payable for permanent total disability or where his average earnings are less than such weekly equivalent, the amount of such earnings.
379. In British Columbia, the minimum compensation payable as a result of injuries has been increased to keep abreast of the economy. Effective January 1, 1974 the rates are \$281.54 a month for permanent total disability and \$42.85 for permanent, partial or temporary total disability.
380. As of January 1, 1974, the minimum compensation payable to a permanent total disability pensioner in Nova Scotia is increased from \$150 a month to \$225 a month. Also, a \$45 allowance is payable to a permanent total disability pensioner for each child under 18 years, or up to 21 years if the child's education is being continued.
381. Nova Scotia's new Act provides for increases in periodical payments based on increases in the Consumer Price Index. The minimum average earnings base for permanent partial disability is increased from \$200 to \$300 a month and the revised base applies to all permanent partial disability pensioners regardless whether the degree of disability is less than 15%. Also, the helpless allowance granted by the Board in its discretion to a workman rendered helpless through permanent total disability is increased from \$100 to \$150 a year. The amendments are effective January 1, 1974.
382. Compensation for New Brunswick workers who contracted silicosis prior to June 1, 1948 has been increased from \$100 to \$125 a month, where in the opinion of the Board, the worker is disabled and cannot continue his ordinary occupation. In case death occurred after June 1, 1948, the widow is entitled to the same compensation. This came into effect on April 1, 1974.
383. In Ontario, the Workmen's Compensation Amendment Act, 1973 (No. 2) extends compensation to employees suffering from an industrial disease regardless of reduction of earning capacity. Where an employee suffers from an industrial disease and is thereby disabled or his death is caused by an industrial disease due to the nature of his work, whether under one or more employments, the employee or his dependants are entitled to compensation as if the disease was a personal injury by accident, unless at the time of entering into the employment he has wilfully and falsely represented himself in writing as not having previously suffered from the disease.

384. The amount of the compensation will be fixed with reference to the average earnings of the employee as calculated under the provisions of the Act. Where an employee is no longer engaged in the occupation by which the disease is caused, the Board may determine his average earnings at an amount that it considers equitable, having regard to the average earnings of a fully qualified person engaged in the same occupation during the 12 months prior to the commencement of disability, but in no case exceeding the ceiling on annual earnings (\$10,000 as of June 30, 1974).
385. These amendments do not apply to an employee who has been awarded compensation for permanent disability due to an industrial disease prior to January 1, 1974. No employee is entitled to claim additional compensation for any period prior to that date, and the new legislation only applies to benefits payable on and after January 1, 1974.

Dependants' Allowance

386. Alberta, effective January 1, 1974, increased benefits for dependent widow, widower or common-law spouse if the relationship has existed for five years (or two years if a child has been born to the union). The widow or widower of a worker fatally injured on or after January 1, 1974, is to receive the full compensation that the worker would have received as a permanent total disability pension.
387. The grant to dependants for additional expenses resulting from the death of a worker is increased to \$500. The minimum Workers' Compensation Board total permanent disability pension is increased to \$275 a month. The minimum partial disability pensions are increased proportionately.
388. The minimum Workers' Compensation Board pension for a dependent widow or widower prior to January 1, 1974, is increased to \$225 a month and the dependent child allowance is increased to \$70 a month until 18 years of age or in the case of a dependent invalid child irrespective of age for as long as, in the opinion of the Board, it might reasonably be expected that the worker, had he lived, would have continued to contribute to the support of the child.
389. The lump sum termination of pension payment is increased to \$2,700 for a dependent widow or widower upon remarriage.
390. In Nova Scotia, effective January 1, 1974, the lump sum payment to a widow or widower is increased from \$250 to \$500. The monthly payment to a widow or invalid widower is increased from \$115 to \$225. The monthly allowance payable to a widow or invalid widower for each child under 18 years is increased from \$38 to \$45. The monthly allowance for an orphan is

increased from \$45 to \$60. The monthly allowance for other dependants is increased from \$60 to \$75 for any one dependant, not exceeding in the whole of \$100 a month.

391. Ontario amended its Workmen's Compensation Act extending benefits resulting from the death of an employee to a dependent widower provided that the death occurred on or after January 1, 1974. This suppressed the invalidity requirement that existed before for widowers.
392. Because of changes in the Consumer Price Index for Canada, for the year 1973, British Columbia increased by 8.24% the benefits payable to dependent widows and children. This came into force on January 1, 1974.
393. The monthly payments to a dependent widow or an invalid widower have been increased from \$162.15 to \$175.52 plus a monthly allowance of \$57.14 compared to the previous \$52.79 for each child under 16 and for each invalid child for whom no payment is made for attending an academic, technical or vocational school. For each child regularly attending school, the increase is from \$59.39 to \$64.29 when the child is between 16 and 18 and from \$65.98 to \$71.42 when the child is between 18 and 21.
394. Where there is no dependent widow or invalid widower, the payments for each child under 16 and for each invalid child for whom no payment is made for attending school has been increased from \$59.39 to \$64.29. For each child between 16 and 21 regularly attending school, the increase is from \$72.58 to \$78.56.
395. Workmen's compensation benefits for merchant seamen and their dependants have been increased by Order in Council, effective July 1, 1974. The Order increases allowances to widows, dependent children and orphans.
396. Monthly allowances for widows are being increased to \$175 from \$120; for each dependent child to \$45 from \$35, and for an orphaned child to \$60 from \$45.
397. The lump sum payable to a widow or foster mother in case of death, is increased from \$300 to \$400.
398. The maximum annual earnings for the purpose of computing compensation is increased to \$9,000 from \$7,000.
399. The Merchant Seamen Compensation Act, administered by the Merchant Seamen Compensation Board, is covering the seamen who are not entitled to similar coverage under any of the

other workmen's compensation acts. There are now approximately 32 shipping companies employing about 2,100 seamen covered by the Act.

Remarriage

400. In Nova Scotia, if a dependent widow marries on or after January 1, 1974, her right to compensation ceases, but she is entitled to \$50 a month for 25 months from the date of the marriage or, in the discretion of the Board, to be paid an amount equal to such payments in one or more amounts.
401. In the case of remarriage after a death that occurs in Ontario after January 1, 1974, a dependent widower or a dependent common-law wife or husband is now entitled to compensation as well as a dependent widow. The monthly payments cease, but a lump sum equivalent to the payments for two years is payable within one month after the day of the remarriage. Payments to a widow or widower in respect of a child will continue.

Common-Law Wife

402. Where a worker in Alberta, dies as the result of an accident occurring on or after January 1, 1974, leaving no dependent spouse, his dependent common-law spouse where the relationship has existed for five years immediately preceding his death or for two years if a child has been born to the union, is entitled to receive the compensation payable to a dependent spouse until such time as he or she marries.
403. In Ontario, a dependent common-law husband has now the same rights as a dependent common-law wife regarding compensation resulting from the death of an employee after January 1, 1974.

Medical Aid

404. The Workers' Compensation Board in Alberta, as is the case in many provinces, has the right to provide a special surgical operation or other special medical treatment to cure and relieve an injured worker from the effects of the injury. The Board may take such measures and make such expenditures, including the supplying of any apparatus, as are necessary to assist in lessening or removing any handicap resulting from an injury to a worker. The Board provides for the repair, maintenance or renewal of any apparatus which it provides to an injured worker.
405. Where a worker is rendered helpless through permanent total disability, the Board may provide such other treatment services or attendance as may be necessary as a result of the injury.

Medical Reviews

406. In Alberta, a worker who claims compensation or to whom compensation is payable under the Workers' Compensation Act is required to submit himself for medical examination in such time and place as the Board may require. This is similar to legislation in most of the provinces.
407. Where a worker is required to undergo medical examination or treatment at the direction or with the approval of the Board at a place other than that in which he resides, he is entitled to a travel and subsistence allowance.

Claim Review

408. The Board in Alberta, upon request from the employer or the worker or a dependant, may appoint a review committee to review the record of a claim for compensation under the Workers' Compensation Act, and the committee, with the consent of the Board, may hear representations on behalf of the employer and the worker or dependant and may confirm, vary or reverse any decision made in respect of the claim. Similar legislation exists in other provinces.
409. General Regulations effective January 1, 1974 issued under the Workers' Compensation Act specify that in case of appeal to the Board regarding the decision of a review committee, the employer, worker or dependant may be represented by another person. The Board must also inform any person with whom it meets on appeal of the facts in its possession which are contrary to the interests of that person.
410. An amendment to the British Columbia Act, effective January 1, 1974, provides for the establishment by the Lieutenant Governor in Council of a panel of persons representing organized groups of employers and organized groups of workmen.
411. By order, the Lieutenant Governor in Council may:
- (1) establish boards of review each comprised of a chairman and one or more persons selected from the panel;
 - (2) make regulations respecting
 - the constitution of boards of review,

- the remuneration and expenses to be paid to members of boards of review and to other persons required to attend before them,
- the practices and proceedings governing appeals to and hearings before boards of review,
- the duties and powers of boards of review, or any member of them, and
- any matter or thing necessary for efficient operation of a board of review.

412. Within 90 days (or such other time as the Board may allow) from the date a decision of the Workmen's Compensation Board is given to a workman or employer, either of them or a person acting on their behalf may appeal to a board of review as prescribed in the regulation. Every decision of a board of review, together with its findings and reasons, must be recorded in writing and served forthwith:

- (1) upon the appellant and his employer or workman; and
- (2) where the board of review does not confirm the decisions of the Board, upon the Board, and the Board in such case will reconsider its original decision.

413. Where a board of appeal makes a decision:

- (1) an organized group of workmen;
- (2) an organized group of employers; or
- (3) where the decision of the board of review is not unanimous, the appellant or his employer or workman affected by the decision may, not more than 60 days from service of the decision upon the appellant, or within such other period as the Board may allow, appeal the decision of the board of review to the Board.

414. Where the chairman of a board of review is of the opinion that a board of review decision (unanimous or otherwise) involves a principle of importance he may, upon application by the workman or his employer made not more than 30 days from service of decision, grant leave to appeal and communicate the leave forthwith to the Board.
415. On appeal, the Board may direct the board of review to reconsider or re-hear the matter either generally or on any particular issue, and the Board may withhold its decision pending the decision of the board of review.
416. The decision of the Board on an appeal from a decision of a board of review is final and not subject to appeal to, or review by any court.
417. Where a workman affected by an appeal is required by and appears before the Board on an appeal from a board of review decision to the Board, he must be paid travel and other allowances including loss of wages.
418. A benefit claim allowed by a board of review must be paid forthwith after the decision, notwithstanding an appeal from a board of review to the Board, and except for fraud or misrepresentation, is not recoverable from the workman.
419. All expenses required by board of review procedures are to be paid out of the Accident Fund.
420. Regulations respecting boards of review were issued on December 1973 under the Workmen's Compensation Act.
421. A chairman of a board of review or a member of the panel cannot directly or indirectly have any interest in any industry to which Part I of the Act applies except for securities issued or guaranteed by the Government of Canada or any province. If such interest exists and he does not sell and absolutely dispose of it within three months, he ceases to hold office.

422. One of the persons selected as a chairman for the boards of review is designated as the "Administrative Chairman" and is responsible for:
- (1) the composition of particular boards of review;
 - (2) the distribution of appeals among the boards of review;
 - (3) the assignment of boards of review for attendance at various locations in the Province;
 - (4) the selection and supervision of staff;
 - (5) such other matters as may be necessary for efficient administration.
423. Any expression (in writing) of a desire to appeal from any decision of any department of the Board made with respect to a worker, addressed to the Board or the central office of the boards of review, is sufficient to commence an appeal to a board of review.
424. For the determination of any appeal, a quorum of a board of review must consist of a chairman and two panel members selected from both workers' and employers' organizations.
425. A board of review may determine an appeal on the information and argument contained in the file or by seeking further argument or both. However, a board must upon request, permit the worker, the employer and anyone acting on behalf of either of them to present information or argument in person; but where no such request is received, an appeal may be determined in their absence. In deciding whether information, argument or opinions, including medical reports, submitted to a board of review, should be disclosed to a worker or the employer or to other persons, a board of review must follow the practice of the Board including changes made from time to time.
426. A board of review has to consider any information submitted in writing by or on behalf of the worker or the employer, and may receive information or argument from any person or by any means.
427. All documents relating to any appeal and which are in the possession of the Board must be made available to the board of review. All documents concerning a claim or appeal which have been submitted to, acquired or produced by a board of review must be delivered to the Board following the decision

of the board of review. The boards of review may obtain such advice, medical or other, as they may require and also make medical referrals.

- 428. Boards of review determine their own procedures and do not seek to imitate or follow procedures used in or prescribed by courts of common law. They must make records of their proceedings as the Administrative Chairman determines.
- 429. The right of appeal to a board of review applies to any decision of any department of the Board made in respect to a worker on or after January 1, 1974 or 90 days before. This does not apply to any decision made prior to January 1, 1974 in respect of which an appeal has already been determined.

Coverage

- 430. Alberta's new Workers' Compensation Act applies to all businesses and industry in Alberta except for those declared exempt. Since it would be physically impossible to bring all Alberta industries under the Act simultaneously on January 1, 1974, new industries coming within the scope of the Act will be phased in at regular intervals during the next two or three years.
- 431. General Regulations in force on January 1, 1974 set out the list of industries, establishments, undertakings, trades or businesses which are exempt from the application of the Act unless the work in which they are engaged is carried on as part of an industry to which the Act applies or there has been an application for coverage approved by the Board.
- 432. According to the regulations, the Act does not apply to flight-crew members, any workers assigned to the duty of flying for the main purpose of servicing the aircraft, any operation of airplanes for hire and the operation of flying schools or clubs. Unless exceptions are made, teachers, principals, other school administrator staff and professionals are not covered by the Act.
- 433. Ontario has provided for employees of the Farm Safety Association to be deemed to be employees of the Workmen's Compensation Board for purposes of the Board's Superannuation Fund.
- 434. Volunteer municipal ambulance brigades are now within the scope of the Workmen's Compensation Act as well as volunteer fire brigades. The minimum coverage for such volunteers is the same as the minimum amount of compensation to which an injured worker is entitled.

Effective January 1, 1974 an airline that has a regularly scheduled international passenger service and works constructed or operated by the airline and used or intended to be used for or in connection with the business of the airline, is included in the category of employers individually liable to pay compensation and medical aid.

435. Québec has excluded participating athletes from the coverage granted to the operation of various athletic clubs such as hockey or football clubs and it has included the groups working within the framework of the Local Initiative Programs into the category of industry in which employers are liable to contribute to the accident fund.
436. Coming into force on January 1, 1975, Saskatchewan's list of industries which are excluded from the operation of the Act unless an application for coverage has been accepted by the Board, is substantially reduced. The remaining industries or occupations are characterized by the sporadic and transient nature of the work and the impracticability of obtaining an accurate record thereof.
437. The exclusion from the scope of Part I of the Newfoundland Workmen's Compensation Act has been lifted for masters and crew members of fishing of vessels of 10 tons or more, up to 70 tons, who are remunerated by shares in the earnings of the operation and for other fishing vessels under 70 tons with less than 10 men employed at the same time. This came into effect on May 21, 1974.
438. In Manitoba airframe and aeroengine mechanics have been included in the definition of "artisans and mechanics" as set out in Schedule 1 of the Act and are now within its scope.

Reporting and Reviews

439. A review of the Act and its administration is customary in some provinces, usually periodically at four- or five-year intervals, by committee of review, such as in Alberta, Newfoundland and Saskatchewan or by Royal Commission (e.g., British Columbia, Ontario).
440. An Advisory Committee in Alberta is to ensure that the new Workers' Compensation Act keeps abreast of the economy, particularly in respect to cost-of-living increases in compensation payments, and will help keep the Act current in its approach to compensation problems. Its recommendations will be brought to the attention of the Cabinet by the Minister of Labour. Any necessary improvements to other sections of the Act may also be brought to the attention of the Cabinet through this committee.

441. Under the new Act the Cabinet is empowered to make any such adjustments annually. This does not mean the abandonment of the customary four-year general review by a special Legislative Committee.

Third Party Actions

442. In Alberta under the new Workers' Compensation Act the worker's right of action against the employer is removed and the Board is subrogated to the cause of action of the worker, his legal personal representative or his dependants against a third party. There have not been any changes in this respect from the previous Act.

DISPOSITION OF BILLS

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading each bill is referred to a committee to undergo detailed study and possibly amendment. Committees can be of three main kinds: standing committees, special or sessional committees, and committees of the whole House.

After third reading and adoption, a bill then must receive Royal Assent. The law is then effective or functional in whole or in part, according to the "date in force" ascribed to it. This date may be indeterminate.

Index of Bills - July 1, 1973 - June 30, 1974

Legislature	Bill No.	Title	Disposition
Federal		<u>Government Bills</u>	
	C-217	Maintenance of Railway Operations Act, 1973	Royal Assent 01/09/73
		<u>Private Members' Bills</u>	
	C-221	An Act to amend The Unemployment Insurance Act, 1971	1st reading 04/09/73
	C-234	An Act to amend The Canada Labour Code	1st reading 29/11/73
Alberta		<u>Government Bills</u>	
	66	The Alberta Lord's Day Amendment Act, 1973	Royal Assent 30/10/73
	45	The Coal Mines Safety Act	2nd reading 08/04/74
	70	The Workers' Compensation Act	Royal Assent 30/10/73
	71	The Attorney General Statutes Amendment Act, 1973 (No. 2)	Royal Assent 30/10/73
	75	The Child Welfare Amendment Act 1973 (No. 2)	Royal Assent 30/10/73
	237	An Act to amend The Workers' Compensation Act	1st reading 30/05/74
		<u>Private Members' Bills</u>	
	212	An Act to amend The Ombudsman Act	1st reading 25/10/73
British Columbia		<u>Government Bills</u>	
	11	Labour Code of British Columbia Act	Royal Assent 07/11/73

Legislature	Bill No.	Title	Disposition
British Columbia (cont'd)	40	An Act to amend The Payment of Wages Act	Royal Assent 07/11/73
	162	Statute Law Amendment Act	Royal Assent 20/06/74
	75	Public Service Labour Relations Act	Royal Assent 07/11/73
	80	An Act to amend The Mines Regulation Act	Royal Assent 07/11/73
	95	An Act to amend The Coal Mines Regulations Act	Royal Assent 07/11/73
	100	Human Rights Code of British Columbia	Royal Assent 07/11/73
	114	An Act to amend The Public Schools Act	Royal Assent 07/11/73
	116	Public Service Act	Royal Assent 07/11/73
	119	Workmen's Compensation Act, 1974	3rd reading 17/06/74
		<u>Private Members' Bills</u>	
	14	British Columbia Ombudsman Act	1st reading 19/09/73
Manitoba	61	British Columbia Day Act	Royal Assent 05/06/74
	78	An Act to amend The Factories Act	1st reading 18/10/73
		<u>Government Bills</u>	
	44	An Act to amend The Workmen's Compensation Act	3rd reading 11/06/74
	33	The Power Engineers Act	3rd reading 10/06/74

Legislature	Bill No.	Title	Disposition
New Brunswick		<u>Government Bills</u>	
	16	An Act to amend The Minimum Wage Act	3rd reading and passed 16/04/74
	58	An Act to amend The Workmen's Compensation Act	Royal Assent 22/05/74
	59	An Act to amend The Silicosis Compensation Act	22/05/74
Newfoundland		<u>Government Bills</u>	
	87	An Act further to amend The Workmen's Compensation Act	Introduced
Nova Scotia		<u>Government Bills</u>	
	6	An Act to amend Chapter 65 of the Acts of 1968, The Workmen's Compensation Act	Royal Assent 12/12/73
Ontario		<u>Government Bills</u>	
	268	An Act to amend The Employment Standards Act	Royal Assent 17/12/73
	269	An Act to amend The Workmen's Compensation Act	Royal Assent 17/12/73
	274	An Act to amend the Ministry of Education Act	Royal Assent 18/12/73
	275	An Act to amend The Schools Administration Act	1st reading 10/12/73
	12	York County Board of Education Teachers' Dispute Act	Royal Assent 15/03/74
	9	An Act to amend The Ontario Human Rights Code	1st reading 07/03/74

Legislature	Bill No.	Title	Disposition
Ontario (cont'd)	16	An Act to provide for The Establishment of Safety Committees	1st reading 15/03/74
		<u>Private Members' Bills</u>	
	197	An Act to amend The Employment Standards Act	1st reading 12/10/73
	224	An Act to establish The Ontario Bill of Rights	1st reading 13/11/73
	257	An Act to amend The Employment Standards Act	1st reading 29/11/73
Prince Edward Island		<u>Government Bills</u>	
	5	An Act to amend The Workmen's Compensation Act	1st reading 12/03/74
	16	An Act to amend The Elevators and Lifts Act	1st reading 15/03/74
	18	An Act to amend The Prince Edward Island Nurses Act	Royal Assent 03/04/74
	19	An Act to amend The Hospitals Act	Royal Assent 03/04/74
	20	An Act to amend The Hospital and Diagnostic Services Insurance Act	Royal Assent 03/04/74
	29	An Act to amend The Prince Edward Island Labour Act	Royal Assent 12/06/74

Legislature	Bill No.	Title	Disposition
Quebec		<u>Government Bills</u>	
	14	An Act to amend The Construction Industry Labour Relations Act	Royal Assent 22/12/73
	15	An Act to amend The Industrial and Commercial Establishments Act	1st reading 13/12/73
Saskatchewan		<u>Government Bills</u>	
	2	An Act to amend The Mechanics' Lien Act, 1973	1st reading 04/12/73
	10	An Act to repeal The Factories Act	Royal Assent 19/12/73
	44	An Act to amend The Labour Standards Act, 1969	Royal Assent 28/03/74
	80	The Workers' Compensation Act	Royal Assent 10/05/74
	118	The Police Act	Royal Assent 10/05/74
Northwest Territories		<u>Government Bills</u>	
		An Ordinance to amend The Fair Practice Ordinance	Royal Assent 01/04/74

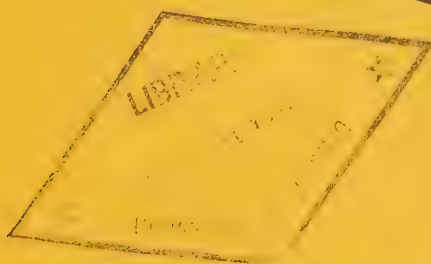
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LEGISLATIVE REVIEW

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LEGISLATIVE REVIEW

**NUMBER 4
DECEMBER 31, 1974**

CANADA DEPARTMENT OF LABOUR
LEGISLATIVE RESEARCH BRANCH

Hon. John Munro, Minister
T.M. Eberlee, Deputy Minister

DEVELOPMENTS IN THE ENACTMENT AND
ADMINISTRATION OF LABOUR LAWS
IN CANADA

July 1974 - December 1974*

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I. APPRENTICESHIP AND TRADESMEN'S QUALIFICATIONS

1. During the second half of 1974, several provinces made changes in regulations governing apprenticeship and tradesmen's qualifications. The changes consisted of the designation of new trades, the removal of designation of other trades, and the establishment of new guidelines for training in others.
2. Alberta added the trade of "cabinet maker" to the list of designated trades to which the Apprenticeship Act applies.
3. Also, Alberta set out a new training program for agricultural mechanics. The apprenticeship program consists of four levels and totals 7,200 hours in on-the-job training in the trade, plus 960 hours spent in technical training.
4. The period may be reduced at the discretion of the Apprenticeship Board if the candidate has previous experience in the trade or has specialized in technical training at a vocational or technical school.
5. On the job, one apprentice may be employed for each journeyman employed. The Director of Apprenticeship may, however, vary this ratio.
6. Even though a person has not served a period of apprenticeship, that person may write the examinations if he or she is competent in the trade and has not less than 7,200 hours experience in the trade.
7. The apprentice may be paid 60%, 70%, 80%, and 90% of the wages of a journeyman, respectively, during the four training levels. The wage cannot in any case be below the prevailing minimum wage.
8. In British Columbia, as of January 1, 1975, all persons engaged in the trades of plumbing, steamfitting, pipefitting, and sprinkler fitting are required to hold a current certificate of proficiency in respect of that trade, and may not engage in the above trades unless this requirement is complied with.
9. This new regulation does not apply to registered apprentices, persons employed during a probationary period, and those under a current contract of apprenticeship or certificate of apprenticeship. Also exempt are holders of a current certificate of proficiency or those on probationary apprenticeship contracts.

10. A significant number of changes in the apprenticeship field were made in Manitoba. Included are such matters as qualifications for admission to an apprenticeship program, duties of employers and apprentices, probationary status, minimum wage rates, hours of work, ratio of apprentices to journeymen, requirements for certification, examinations, certificates in non-designated trades, re-examination and fees for examinations and certificates.
11. The training program and other rules pertinent to the heavy equipment mechanics trade were changed.
12. To enter the trade a candidate must have completed grade nine or its equivalent.
13. The training program consists of four years of training and instruction of at least 1,800 hours per year. This rule may be altered in view of a candidate's previous study or training.
14. The apprentice must be paid the minimum wage plus 15%, 35%, 55% and 75% respectively, during each year of the program.
15. A holder of a certificate in the trade of motor vehicle mechanic may qualify for examinations as a heavy duty equipment mechanic by either completing the final two years of the program (at least 1,800 hours per year), or by submitting written proof that he has had at least two years experience in the latter trade.
16. Also changed are the rules pertaining to the training of glaziers. A candidate must be at least 16 years of age and must have completed grade nine or its equivalent.
17. An apprentice glazier (while not attending courses), must be paid at least 60% of the prevailing wages of a journeyman during the first six months of the program. This rate increases by 5% for each of the seven remaining six-month periods.
18. At no time can an apprentice's wages be less than the minimum wage plus 10%, and shall be increased by at least 10% each succeeding year.
19. Overtime rates must be adjusted on the same basis as wages of a journeyman working in the same area, for the same employer.
20. Where an applicant for a certificate in the trade has not completed an apprenticeship in Manitoba supplies proof that he has been engaged in the trade for a period of time exceeding

the apprenticeship period by not less than one year during the ten-year period immediately prior to making the application, he is eligible to take such examinations as the Director may require.

21. Regulations were also changed for the trade of industrial welder. A person may become an apprentice industrial welder only if he is at least 16 years of age, and has completed grade nine or its equivalent. The Director may vary the educational requirements for individuals.
22. The training program consists of three calendar years of training and instruction of at least 1,600 hours each year.
23. An apprentice industrial welder must be paid at least the provincial minimum wage plus 10%, 20%, 30%, 40%, 50% and 60% respectively, during the six-month periods of training.
24. Overtime rates for an apprentice must be adjusted on the same basis as overtime wages of journeymen working in the same area, for the same employer.
25. As with other trades, the rules for allowing examinations to be written by a candidate for an industrial welder's certificate may vary from case to case as the Director sees fit.
26. The training program for machinists has been changed.
27. A person may become an apprentice only if he is at least 16 years old and has the equivalent of a grade nine education.
28. Apprentice machinists must undergo four years of training and instruction, of at least 1,800 hours per year.
29. The wages of an apprentice machinist must be at least the provincial minimum wage plus 15%, 35%, 55% and 75% respectively, during each of the four years of the program.
30. The overtime wage rates of an apprentice must be adjusted on the same basis as those of a journeyman working for the same employer in the same area.
31. A candidate for the trade who has not completed the apprenticeship program may be allowed to take the examinations if he has been engaged in the trade for the length of the apprenticeship program plus at least one year, during the ten years prior to the time of application.

32. New regulations for the trade of industrial electrician were passed.
33. A person may be an apprentice in the trade if he is at least 16 years of age and has passed specified math and science courses. The Director of Apprenticeship may vary course requirements in particular cases, as he sees fit.
34. The program for becoming an industrial electrician consists of four years of at least 1,600 hours each year. As with other trades, any previous training or study are to be considered in setting up a program for an applicant.
35. An apprentice industrial electrician must be paid at least the provincial minimum wage plus 10%, 20%, 30%, 40%, 50%, 60%, 70% and 80% respectively, during each of the eight six-month periods of the program.
36. Where an applicant for a certificate in the trade has not completed the apprenticeship program or does not hold a certificate bearing the Interprovincial Standards Seal, the applicant may write exams if he has been engaged in the trade for the length of the apprenticeship program plus at least two years, during the ten-year period prior to making application.
37. New regulations applicable to the steamfitter trade state that a person must be 16 years or older to qualify as an apprentice, and must have completed certain math and science courses. The Director may vary the educational requirements in particular cases.
38. The apprenticeship term consists of five calendar years of training and instruction of at least 1,800 hours per year. Previous training shall be considered when establishing a program for an individual.
39. An apprentice (while not attending technical courses), must be paid wages at not less than 50%, 55%, 60%, 70% and 80%, respectively, of the prevailing wages of a journeyman, during each of the five years of the training program.
40. In any case, an apprentice's wages must not be below the prevailing provincial minimum wage plus 10% during the first year, and must increase by at least 10% each succeeding year.
41. Overtime wages for an apprentice must be adjusted on the same basis as those of journeymen working for the same employer in the same area.

42. Where an applicant has not completed the apprenticeship program or does not hold a certificate bearing an Inter-provincial Standards Seal, he may write the exams if he has been engaged in the trade for at least one year longer than the apprenticeship program in the ten-year period prior to application.
43. A holder of a certificate of qualification in the plumbing trade may qualify for the examinations in the steamfitter trade if he shows that he has been engaged in the trade of steamfitter for at least three years.
44. Revised regulations also apply in the trade of bricklayer.
45. A person must be at least 16 years of age and have completed the equivalent of grade nine education.
46. The training program consists of four years of training and instruction of at least 1,200 hours per year.
47. An apprentice (while not attending technical courses) must be paid at not less than 60%, 70%, 80% and 90% respectively, of the prevailing wages of a journeyman, during each of the four years of the program.
48. An applicant who has not completed an apprenticeship program or does not hold a certificate bearing the Interprovincial Standards Seal may be permitted to write the examinations if he has been in the trade for one year longer than the apprenticeship program during the ten years prior to having applied to write the exams.
49. A candidate for the trade of carpenter must undergo a period of training and instruction of at least 1,800 hours for each of four years. Previous experience can vary on individual's program.
50. An apprentice must be paid not less than 60% and 70% respectively, for the first and second six-month periods, of the prevailing wages of a journeyman. During the second, third and fourth years, the rates are 75%, 80% and 90% of the prevailing journeyman rates.
51. In any case, the rates of wages for an apprentice cannot be less than provincial minimum wage plus 10%, and must be increased by at least 10% yearly.

52. An applicant for a certificate who has not completed an apprenticeship program or who does not hold a certificate bearing an Interprovincial Standards Seal, may write the exams after proving that he has been engaged in the trade of carpenter for a period of one year longer than the apprenticeship program.
53. In the trade of construction electrician, a candidate for apprenticeship must be at least 16 years of age and must have completed certain math and science courses or their equivalents.
54. The program of training and instruction consists of four years of at least 1,800 hours each year.
55. Previous experience can alter the time of an individual program.
56. An apprentice must be paid at least 40%, 50%, 65% and 80% respectively, during the four years of the apprenticeship period, of the prevailing wages of a journeyman.
57. Wages cannot be, however, less than the provincial minimum wage plus 10% during the first year, and must be increased by at least 10% each succeeding year.
58. Rates for overtime hours must be adjusted on the same basis as overtime rates for journeymen working in the same area for the same employer.
59. A new regulation states that the period of apprenticeship for the lather trade is four years of at least 1,600 hours each year.
60. Wage rates for an apprentice lather as compared to the prevailing wages of a journeyman are 50% the first six months, 60% for the second six months, and then increasing by 5% each succeeding six-month period.
61. In any case, the wage cannot be less than the provincial minimum wage plus 10% for the first year, and must increase by at least 10% each succeeding year.
62. Apprentice plumbers must be at least 16 years of age and have certain math and science credits, or their equivalents.
63. The term of training and instruction for plumbers is five calendar years of at least 1,800 hours each year.

64. An apprentice (while not attending technical courses) must be paid at not less than 50%, 55%, 60%, 70% and 80% of the prevailing wages of a journeyman, respectively, during each of the five years of the program.
65. During the first year the wage must be at least the prevailing minimum wage plus 10%, and must increase by at least 10% each succeeding year.
66. Overtime rates for apprentices must be adjusted on the same basis as overtime rates for journeymen working for the same employer in the same area.
67. An applicant for a certificate in the trade who has not completed an apprenticeship program or does not hold an Inter-provincial Standards Certificate may be allowed to write the exams if he has been engaged in the trade for at least one year longer than the apprenticeship program.
68. A holder for a certificate in the trade of steamfitter may qualify for the examinations for plumbers if he has been engaged in the plumbing trade for at least three years.
69. New regulations require that candidates for apprenticeship in the trade of sheet metal worker be at least 16 years of age and have a high school standing in certain math and science courses. Equivalent courses may be accepted.
70. An apprentice sheet metal worker must undergo a period of training and instruction of four years of at least 1,800 hours each year.
71. Previous training can alter the time to be served as an apprentice.
72. Wage rates for an apprentice, while not attending technical courses, are 50% and 55% of the rates for a journeyman during the first two six-month periods, respectively, and then 65%, 75% and 85% for the succeeding three years.
73. In any case, the rates cannot be less than the prevailing minimum wage plus 10% during the first year, and must be increased by at least 10% per year.
74. Overtime rates for an apprentice must be adjusted on the same basis as those for a journeyman working for the same employer in the same area.

75. Where an applicant for a certificate in the trade has not completed an apprenticeship program or does not hold a certificate with an Interprovincial Standards Seal, he may still be allowed to write the exams if he has been engaged in the trade for a period of at least one year in excess of the apprenticeship period during the ten years immediately prior to making application.
76. Apprentice air-conditioning mechanics must be at least 16 years of age and have a high school standing in prescribed math and science course, or equivalents.
77. An apprentice air-conditioning mechanic must undergo a term of training and instruction of four calendar years of at least 1,800 hours each year.
78. An apprentice employed in a shop where a collective agreement is in force must be paid at least 50%, 60%, 70% and 80% of the prevailing rates of a journeyman, during the four years of the program, respectively (while not attending courses).
79. If there is no collective agreement in force in the shop, the rates are at least the minimum wage plus 15%, 35%, 55% and 75% respectively, during the four years.
80. In the trade of boilermaker, an apprentice must be at least 16 years of age and have a grade nine education or its equivalent.
81. The training program for apprentice boilermakers consists of four years of training and instruction of at least 1,500 hours per year.
82. Where no collective labour agreement is in force the wage rate for an apprentice must be not less than the provincial minimum wage plus 15%, 35%, 55% and 75% respectively, during the four years of the program.
83. Where a collective agreement is in force, the wages as provided for apply.
84. For a 12-month period after the regulation came into force (i.e., up to December 5, 1975), an applicant who has had at least six years experience in the trade during the ten-year period immediately prior to making application, may be issued a certificate without examination.

85. As with other trades, the examinations may be written if the applicant has worked in the trade for at least one year in excess of the length of the apprenticeship program during the ten years immediately prior to application, even though the applicant has not undergone the program and does not hold a certificate with the Interprovincial Standards Seal.
86. Regulations have now been established to govern the newly designated (May, 1974) trade of miner.
87. An apprentice miner must be at least 18 years of age and have completed grade nine. Persons with lower educational qualifications may be accepted, at the discretion of the Director.
88. The program of training and instruction consists of three calendar years of at least 1,600 hours per year. Previous study and experience can alter the requirements.
89. An apprentice miner must be paid at least the provincial minimum wage plus 35%, 55% and 75%, over the three years of the program. A collective agreement can, however, specify higher wages.
90. For a 12-month period after the regulation is in force, (i.e., up until Dec. 4, 1975) an applicant for a certificate may be exempted from writing the exams if he has worked at the trade four years during the ten years immediately prior to having applied.
91. Also, an applicant who has not completed the apprenticeship program but has worked in the trade for at least one year longer than the apprenticeship period during the previous ten years, may write such exams as the Director may require.
92. In New Brunswick, the electrical (marine) trade has been designated.
93. The trade has to do with installation and maintenance of electrical wiring or equipment or fixtures aboard ships, but specifically excludes the rewinding of motors, repair of radio and other electronic equipment, and commercial production of electricity.
94. In order to be a candidate for a Certificate of Qualification, a person must have had the equivalent of five years of practical experience in the trade. Prescribed examinations must be passed.

95. Also, New Brunswick dropped the designation "motor vehicle painter trade" and substituted "motor vehicle body painter trade".
96. Also, the name "domestic major appliance servicing trade" was struck out and "major appliance repairer trade" was substituted.
97. As of June 20, 1974, the trades of bricklaying, plastering, coppersmith and pulp and paper technology had their designations as being appropriate for apprenticeship and the issuing of certificates of qualification rescinded.

II. EMPLOYMENT STANDARDS

98. In Ontario, the Employment Standards Act, 1974, effective January 1, 1975 brought about several significant changes namely pregnancy leave, equal pay and equal benefits. The provisions respecting termination, pregnancy leave, equal pay and equal benefits will apply to the Crown, its agencies and boards. The maximum hours of work remain at 48 hours per week, however, overtime must be paid after 44 hours.
99. In addition, the exercise of certain powers do not require hearings under the Statutory Power Procedure Act, 1971. An employment standard shall be deemed a minimum requirement only. The Director has the same power with respect to individual contractual benefits for vacations and holidays as he has with respect to collective agreements. Finally, civil remedies are not affected by the Act.
100. In New Brunswick, the employer is required to give to each employee at the end of each pay period a statement showing the dates of the pay period, the employee's gross pay for the period, the particulars and amount of each deduction, and the net pay after deduction.

Minimum Age for Employment

101. In Prince Edward Island undertakings including the canning or packaging of any products produced on a farm or harvested from any waters or involved in the publishing and printing of newspapers, books and magazines are declared an industrial undertaking. No child under the age of 15 years shall be employed in an industrial undertaking.
102. In the Yukon Territory no person under the age of 18 years shall be employed underground or at the working face of any open cut workings, pit or quarry.

Equal Pay

103. In Ontario, the new principle is equal pay for work that is substantially the same and that requires substantially the same skill, effort and responsibility.

Equal Benefits

104. Ontario prohibits distinctions, exclusions or preferences between employees because of age, sex or marital status under pension, life insurance, sickness, medical or hospital plans available to employees.

105. The Lieutenant-Governor-in-Council is authorized to make regulations for exceptions to this general principle.

Hours of Work

106. Manitoba reissued a regulation, effective May 1, 1974, under the Construction Industry Wages Act, respecting minimum wages and maximum standard hours of employees in the Heavy Construction Industry. The maximum hours of work payable at regular rates is 54 reduced from 60 hours.
107. The Northwest Territories amended the Labour Standards Ordinance, effective April 1, 1974, providing for a standard 8-hour day and 44-hour week (formerly 48 hours) and a maximum 10-hour day and 54-hour week (60 hours).
108. A standard of 191 hours per month (208) and a maximum of 234 hours per month (260) are provided for employees in the exploration and development of metal mining and petroleum, isolated transportation and tourist camps.
109. When a general holiday with pay occurs the employee shall not work more than 36 hours in that week exclusive of hours worked or during which the employee was at his employer's disposal on the holiday.
110. In Ontario, an employer in the ambulance service industry who pays an employee engaged as an ambulance driver, driver's helper, or first-aid attendant a weekly wage of not less than \$108 on or after October 1, 1974, is exempt from the hourly record requirement.
111. New Brunswick's Closing of Retail Establishments Act lists the days upon which no retail establishment shall be open to the general public for the purpose of carrying on business. Retail establishments with the exception of newspaper stands, tobacconists, restaurants, etc., shall be closed on New Year's Day, Good Friday, Dominion Day, Sovereign's Birthday, Victoria Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and any day appointed by statute, or proclaimed by the Governor General or the Lieutenant Governor.
112. In Newfoundland, the weekly holiday for barbers and hair-dressers has been changed from Monday to Saturday and late opening from Friday to Thursday. The Hours of Work Act was also amended to make Thanksgiving a statutory holiday.
113. In Nova Scotia, flea markets and rummage sales are exempted from the Lord's Day Act.

Minimum Wages

114. The minimum wage rates were increased in Alberta, the Northwest Territories, Ontario and Quebec.
115. Alberta issued a new order governing minimum wages. Effective January 1, 1975, the minimum rates are \$2.25 for employees 18 years and over, \$2.10 for employees under 18 years, and \$1.75 for students under the full age of 18 employed on a part-time basis outside their normal school hours between the opening and closing dates fixed for the school at which they are in attendance. Effective July 1, 1975, these rates rise to \$2.50, \$2.35 and \$2.00 respectively.
116. Deductions for meals and lodging were likewise increased to \$0.75 from \$0.55 for a single meal and \$1.00 from \$0.75 per day for lodging.
117. In Ontario, the minimum wage rates were increased on October 1, 1974 to \$2.25 for the general rate, \$2.50 for construction workers and construction site guards, \$2.15 for learners in their first month of employment and \$1.90 per hour for students under 18 years of age who work less than 28 hours per week or on a school holiday.
118. The maximum charges for meals allowable are as follows: room, \$9.00 per week; meals \$1.00 or a maximum \$21.00 per week; or both room and meals \$30.00 per week.
119. New schedules of wages respecting the Ladies' Dress and Sportswear Industry and the Men's and Boys' Clothing Industry came into effect in 1974.
120. The Northwest Territories amended the Labour Standards Ordinance, effective April 1, 1974. The minimum wage rates were set at \$2.50 per hour for all employees 17 years of age and over, \$2.00 for all employees 16 years of age, \$1.75 for all employees 15 years of age and \$1.50 for all employees less than 15 years of age.
121. In Quebec, the Minimum Wage Commission readjusted its minimum wage rate under the General Minimum Wage Order from \$2.15 on November 1, 1974 to \$2.30 on the same date. Rates for employees under 18 years of age were raised to \$2.10 per hour on the same date.

122. Effective August 1, 1974, the Forestry Operations Ordinance was amended so that woodcutters paid on a piece work basis are entitled for each working day in each calendar month, the average rate of \$22.00 per day, contract employees, cooks, kitchen helpers and fire rangers are entitled to \$19.00 per day, watchmen \$17.50 per day and all other employees \$2.10 per hour.
123. A new schedule under the Men's and Boys' Clothing Industry likewise provided increases in the minimum wages.
124. An amendment to the General Minimum Wage Order, effective July 10, 1974, placed the shoe industry on an equal footing with other industries as regards minimum wages. The shoe industry may no longer employ workers on a 40-day trial basis in the ratio of 10% of the total manufacturing personnel, at 10% less than the minimum wage.
125. In Nova Scotia, an amendment to the General Wage Order covering Beauty Parlours, Road Building and Heavy Construction Industry and the Logging and Forest Operations, effective March 1, 1974, gave raises ranging from \$1.40 per hour for inexperienced workers in beauty parlours to \$2.25 per hour for experienced workers in all categories. In the logging and forest operations persons such as fire rangers and wardens, who have no fixed work week are paid \$445.00 per month.
126. Orders in Council provided increases for the Plumbing, Steamfitting and Pipefitting Trades; the Sheet Metal Trade; and the Plastering Trade in the building construction industry in the Cities of Halifax and Dartmouth, effective May 1, 1974, through April 30, 1976. Plumbers, etc., and Sheet Metal Workers' rates are increased: May 1, 1974, \$6.50; November 1, 1974, \$6.75; May 1, 1975, \$7.05; and November 1, 1975, \$7.33. Plasterers receive \$5.63, \$5.88, \$6.13 and \$6.38 on corresponding dates.
127. Orders in Council produced increases for the Carpentry Trade; the Plumbing and Pipefitting Trades; and Labourers in the building construction industry in the City of Sydney. The schedules are effective from May 1, 1974 through April 30, 1975. Carpenters and Plumbers, etc., receive on May 1, 1974, \$5.70 and on January 1, 1975, \$5.95. Labourers receive \$5.00 and \$5.25 on the same dates.
128. A new schedule in the Cities of Halifax and Dartmouth for Labourers in the Building Construction Industry gave them \$5.30 on November 1, 1974, \$5.55 on May 1, 1975 and \$5.80 on November 1, 1975.

129. Effective from May 1, 1974 through April 30, 1975, the Painting and Allied Trades in the Building Construction Industry received a new schedule as follows, journeymen May 1, 1974, \$5.10 and January 1, 1975, \$5.35.

130. General Hourly Minimum Wage Rates for Adult and Young Workers (as of December 31, 1974).

1. Federal

Effective April 1, 1974

Employees 17 and over	- \$2.20
Employees under 17	- \$1.95

2. Alberta

Effective April 1, 1974

Employees 18 and over	- \$2.00
Employees under 18	- \$1.85
Students under 18 employed on a part-time basis	- \$1.50

Effective January 1, 1975

Employees 18 and over	- \$2.25
Employees under 18	- \$2.10
Students under 18 employed on a part-time basis	- \$1.75

Effective July 1, 1975

Employees 18 and over	- \$2.50
Employees under 18	- \$2.35
Students under 18 employed on a part-time basis	- \$2.00

3. British Columbia

Effective June 3, 1974

Employees 18 and over	- \$2.50
Employees 17 and under	- \$2.10

4. Manitoba

Effective July 1, 1974

Employees 18 and over	- \$2.15
Employees under 18	- \$1.90

Effective January 1, 1975

Employees 18 and over	- \$2.30
Employees under 18	- \$2.05

5. New Brunswick

Effective July 1, 1974

General rates	- \$1.90
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Effective January 1, 1975

General rates	- \$2.15
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Effective July 1, 1975

General rates	- \$2.30
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6. Newfoundland

Effective July 1, 1974

Employees over 16	- \$2.00
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Effective January 1, 1975

Employees over 16	- \$2.25
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7. Nova Scotia

Effective July 1, 1974

Employees 18 and over	- \$1.80
Underage employees 14-18	- \$1.55
Inexperienced employees	- \$1.55

Effective October 1, 1974

Employees 18 and over	- \$2.00
Underage employees 14-18	- \$1.75
Inexperienced employees	- \$1.75

Nova Scotia (Continued)

Effective January 1, 1975

Employees 18 and over	-	\$2.20
Underage employees 14-18	-	\$1.95
Inexperienced employees	-	\$1.95

Effective March 1, 1975

Employees 18 and over	-	\$2.25
Underage employees 14-18	-	\$2.00
Inexperienced employees	-	\$2.00

8. Ontario

Effective January 1, 1974

General rates	-	\$2.00
Learners (1st month of employment)	-	\$1.90
Students under 18, employed less than 28 hours per week	-	\$1.65

Effective October 1, 1974

General rates	-	\$2.25
Learners (1st month of employment)	-	\$2.15
Students under 18, employed less than 28 hours per week	-	\$1.90

9. Prince Edward Island

Effective July 1, 1974

Employees 18 and over	-	\$1.75
Employees under 18	-	\$1.50

Effective January 1, 1975

Employees 18 and over	-	\$2.05
Employees under 18	-	\$1.80

10. Quebec

Effective May 1, 1974

Employees 18 and over	- \$2.10
Employees under 18	- \$2.00

Effective November 1, 1974

Employees 18 and over	- \$2.30
Employees under 18	- \$2.10

11. Saskatchewan

Effective July 2, 1974

General rates	- \$2.25
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12. Northwest Territories

Effective April 1, 1974

Employees 17 and over	- \$2.50
Employees 16	- \$2.00
Employees 15	- \$1.75
Employees under 15	- \$1.50

13. Yukon Territory

Effective April 1, 1974

General rates	- \$2.30
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Annual Vacations with Pay

131. In Nova Scotia, teachers are excluded from the vacation pay provisions of the Labour Standards Code and the Vacation Pay Act.

General Holidays

132. The Yukon Territory amended its Labour Standards Ordinance as regards general holidays for persons in custodial work, essential services or continuous operation. Where such an employee is required to work on a general holiday, in addition to his regular rate of pay for his hours worked on that day, he must be paid at least time and one-half for the hours worked by him on that day, or be given a holiday with pay at some other time which may be added to his annual vacation, or granted as a holiday with pay at a time convenient to him. The Commissioner may make regulations as he deems necessary regarding these categories.

133. In Ontario, there is a provision under the new Act giving an option to an employer in the hotel, motel, tourist, etc., industry, in the case of a hospital, and where there is continuous operation, to either pay holiday pay for work on the holiday or pay regular pay and give another day as a holiday with pay.
134. Work on a holiday is not considered overtime. When employment ceases before a holiday is substituted, designated or given, the employer shall pay to the employee his regular wages for that day.

Overtime Pay

135. Ontario provides that an employment standards officer may determine weekly hours and regular rates in cases where no proper records are kept.
136. All existing approvals for averaging hours over a period of more than one week will be brought into line with the 44-hour week. Existing approvals will be cancelled three months after the Act comes into force on January 1, 1975.

Pregnancy Leave

137. Ontario's new Act provides that an employer of 24 employees or less is no longer exempt.
138. The Leave of absence is extended to 17 weeks and permits the pregnant employee to choose the day that leave commences. There are also provisions for shortening the length of leave.
139. A pregnant employee may obtain a leave of absence in case of a medical condition that was not anticipated.
140. An employment standards officer may require an employer to reinstate and pay compensation to an employee who wishes to return to work after the leave expires.

Garnishment of Wages

141. In Newfoundland, the amount exempt from attachment or execution is increased by \$100. The effect of the increase is to bring the amounts exempt from attachment or execution in line with the rates payable to persons on social assistance plus the income that may be retained by such persons.

Administration

- 142. In Ontario, the Minister may appoint persons as referees to hear appeals from employment standards officers and difficult cases of wage claims.
- 143. An employment standards officer may arrange for direct payment, settle a claim or, in default of either, issue an order for payment by an employer of wages owed to an employee up to \$4,000 (was \$2,000) plus a 10% penalty.
- 144. An employer may not retain wages owed to employees who cannot be conveniently located. Such wages are to be paid to the Director in trust, to be held for the employee or his estate or other person entitled thereto.
- 145. An employee may request a review by the Director where an employment standards officer refuses to issue an order.
- 146. An employer may appeal to a referee an order compelling payment to an employee.
- 147. The Director may have a hearing by a referee of difficult questions or into alleged schemes to avoid the Act.
- 148. The Director may issue a certificate of non-compliance with an order to pay and to enforce the order in the courts instead of having to prosecute and obtain an order for payment from a provincial judge.

Offences and Penalties

- 149. In Ontario, unfair employer practices against an employee are defined in detail and prohibited.
- 150. An employer who fails to comply with a provincial judge's order is guilty of an offence and on summary conviction is liable to a fine not exceeding \$100 (was \$50) for each day of continuing failure.
- 151. The general penalty for a contravention of the Act is \$10,000 (was \$2,000) or six months in jail (new) or both.
- 152. An officer, director or agent of an employer who participates in an offence is guilty of the offence.
- 153. The onus of disproving his participation in a contravention of the Act or the regulations is shifted to the officer, director, or agent.

154. A judge may issue an order for payment of wages against an officer, director or agent who was a participant in the offence.
155. The Director may require an employee to use the arbitration process under a collective agreement.

III. HUMAN RIGHTS

156. Changes in human rights legislation were enacted in several jurisdictions. Some changes were minor, but others were significant, such as the coming into force of the new Manitoba Human Rights Act.
157. In the Federal jurisdiction, provisions were passed which gave male and female veterans equality of status and equal rights and obligations under the War Veterans Allowance Act and the Civilian War Pensions and Allowances Act.
158. An exception to the rule of equality of status is contained in the provision that certain allowances under the above Acts are payable to females at the age of 55, whereas they are payable to males at the age of 60.
159. In British Columbia, a new provision outlines the powers of the director (i.e., an officer in the Department of Labour, charged with the responsibility of administering the Human Rights Code) or a person delegated by him, for purposes of an inquiry or investigation.
160. Generally, the director or delegate may inspect all books, payrolls, personnel records, registers, notices, documents and other records relating in any way to wages, hours of work, applications for employment, conditions of employment, membership or application for membership in a trade union, accommodation, services or facilities generally available to the public, occupancy under a tenancy, or purchase or acquisition of any interest in real property.
161. Extracts or copies of all the documents referred to can be taken, and the director or his delegate can cause correct information to be given by oath or statutory declaration, or by the delivering up of books, records, etc.
162. The director or his delegate have the general powers of whatever examination and inquiry may be necessary to ascertain whether the provisions of the Act are complied with. They may also exercise such other powers as may be necessary for carrying out the Act and its regulations, and have the power to administer oaths, take affidavits, etc., and summon persons to give evidence in connection with any investigation, inquiry or examination.

163. Manitoba proclaimed its new Human Rights Act in force as of October 25, 1974. The new Act broadens prohibitions against discrimination, enables the payment of special damages to victims of discrimination, and provides for the establishment of special boards of adjudication.
164. The new Act adds a prohibition of discrimination in the provision of housing on the basis of source of income. This would, for example, prevent housing being denied to welfare recipients.
165. Signs or broadcasts or publications or any notice, sign, emblem, etc., which shows discrimination on the grounds of race, nationality, religion, colour, sex, marital status, or ethnic or national origin is prohibited.
166. The Act specifies, however, that the above prohibition is not intended to interfere with the free expression of opinion upon any subject, nor does it apply to the display of a sign, notice, etc., displayed to identify facilities customarily used by one sex.
167. Public services or facilities or accommodation must not be denied on the basis of race, nationality, religion, colour, sex, age, or ethnic or national origin. But persons under the age of majority may not use facilities not available to them by law, and persons of one sex or another may be barred on grounds of public decency.
168. Also, the prohibition against denying occupancy in commercial or housing accommodation on grounds of race, nationality, religion, colour, sex, age, or ethnic or national origin does not apply to housing accommodation where the occupancy of all the housing accommodation in a building, except that of the owner and his family, is restricted to individuals who are of the same sex.
169. Preference in housing accommodation may also be given in buildings designed to be used primarily for elderly persons. Denial of the opportunity to any person to acquire any commercial unit or housing, or any interest in land, on the basis of race, nationality, religion, colour, sex, age, marital status, or ethnic or national origin is prohibited.
170. Discrimination with respect to any term or condition of purchase of housing, commercial units, accommodation, or land or interest in land on the above grounds is also prohibited.

171. The Act carries a general clause stating that every person has the right to equal opportunity based on bona fide qualifications in respect of his occupation or employment, or in respect of intended occupation or employment, advancement or promotion. This right also applies to membership or intended membership in a trade union, employers' organization or occupational association.
172. The general clause is followed by specific prohibitions against discrimination by employers, employment agencies and trade unions on the grounds of race, nationality, religion, colour, sex, age, marital status, ethnic or national origin, or political beliefs.
173. Employers must not publish or cause to be published, displayed, circulated or broadcast, any words symbols or other representations that indicate directly or indirectly that race, nationality, religion, colour, sex, age, marital status, ethnic or national origin is or may be a limitation, specification, or preference for a position of employment. No one may advertise on behalf of an employer, an advertisement which contains the above preferences, limitations or specifications.
174. No one is allowed to use an application form, or make any pre-employment inquiry which expresses a preference or limitation or specification as to race, nationality, religion, colour, sex, age, marital status or ethnic or national origin. These particulars must not be asked for, nor may an employment agency act upon, or make any referral based on them.
175. The prohibitions relating to discrimination in selection for employment do not apply where sex, age, marital status or political belief is a reasonable occupational qualification and requirement for the position of employment.
176. The prohibitions relating to limitations or preferences in employment do not apply to an exclusively religious, philanthropic, educational fraternal or social organization that is not operated for a profit and is operated primarily to foster the welfare of a group or class of persons characterized by a common race, nationality, religion, colour, sex, age, marital status, ethnic or national origin where one or more of the above criteria is a bona fide occupational qualification and requirement.

177. The prohibitions against discrimination in employment do not apply to a domestic employed or to be employed in a single family residence.
178. Contracts made generally available to the public must not discriminate or include terms or conditions that discriminate against any person on the basis of race, nationality, religion, colour, sex, age, marital status, ethnic or national origin of that person.
179. This prohibition does not apply to the operation of a bona fide retirement, superannuation or pension plan, or the terms or conditions of any bona fide group or employee insurance plan, or any bona fide scheme based upon seniority.
180. No one must be penalized in any way by refusal of employment, threats of or actual dismissal, or by any other penalty, because of having made a complaint under the Act, or has testified or made any disclosure under the Act.
181. The Act is administered by the Manitoba Human Rights Commission, which is appointed by the Lieutenant-Governor-in-Council. The Commission is not limited to any particular number of members, and the term of these members is determined by the Lieutenant-Governor-in-Council.
182. Besides enforcing the Act, the Commission also is empowered to conduct educational programs.
183. The Commission must file an annual report of its activities with the Minister, who then submits the report to the Legislative Assembly.
184. Although the investigation of complaints will continue to be the function of the Human Rights Commission, the hearing of and passing judgment on cases of alleged infringement of Human Rights Legislation will be the responsibility of boards of adjudication. These boards are to be appointed, as required, by the Attorney General.
185. The purpose of dividing the investigation and judgment functions between the boards and the Commission is to prevent any pre-judging of cases.
186. Complaints under the Human Rights Act may be initiated by any person who has reasonable grounds to believe that any person has contravened the Act. A complaint must be filed with the Commission within six months after the alleged offence occurred.

187. Where the complaint is made by a third party, the Commission may refuse to file the complaint unless the person alleged to be offended against consents.
188. If the Commission is unable to effect a settlement in a complaint, then the matter may be referred to a board of adjudication through the Minister.
189. If, after a hearing during which both sides must be given an opportunity to be heard, the board finds that a violation has occurred, it may make an order directing that lost wages be compensated for. It may also order that the guilty party do or refrain from doing something, in order that the Act may be complied with.
190. The board may file the order with the Court of Queen's Bench, thus giving the order the status of a court judgment.
191. Appeal may be filed with the Court of Queen's Bench.
192. Individuals found guilty of violating the Human Rights Act are liable to a fine of not less than \$100 and not more than \$1,000 (previously \$50 and \$500) and the case of corporations, not less than \$500 and not more than \$5,000 (previously \$200 and \$1,000).
193. New Brunswick amended its Human Rights Act to ensure that the prohibition against publishing discriminatory advertisements regarding employment now includes "causing to be published".
194. In Nova Scotia, an amendment to the Human Rights Act prohibits discrimination in employment on the basis of age for older persons (between 40 and 65). This does not affect the operation of a bona fide retirement or pension plan, or group or employee insurance plan.
195. Also newly prohibited is discrimination on the basis of a physical handicap, unless the nature and extent of the handicap reasonably precludes performance of the particular employment, activity or association.
196. Ontario made several changes to the Ontario Human Rights Code.

197. Clarified is the fact that the prohibition against discrimination in housing on the basis of sex is not applicable where the occupancy of the housing accommodation other than that of the owner and his family is restricted to persons of the same sex.
198. Age may be taken into account as a factor in employment where age is a bona fide qualification for employment.
199. Pension funds and insurance plans are exempted from the general prohibition of discrimination against employees on the grounds of age, sex and marital status.
200. The amendment shifts the administrative and enforcement functions formerly carried out by the Ontario Women's Bureau, to the Ontario Human Rights Commission.
201. The Code has also been revised to allow for investigation, rather than formal inquiry, in the early stages of proceedings upon an alleged violation.
202. A Commissioner or officer of the Commission may enter upon lands or premises at any reasonable time without a warrant for the purpose of investigating a complaint. This Commissioner or officer may remove any employment applications, payrolls, records, documents, etc., for the purpose of making copies or extracts.
203. No entry may be made, however, into a place or room actually being used as a dwelling, without first having obtained an order from a justice of the peace, and any documents removed must be returned promptly after copies have been made.
204. The Act makes it an offence to hinder or obstruct an officer of the Commission, or to withhold any documents or papers relevant to the complaint.
205. The Yukon Territory has amended the Fair Practices Ordinance.
206. The grounds upon which discrimination is prohibited in certain practices have been broadened.
207. Employers and trade unions must not discriminate on grounds of sex or marital status. These new grounds are added to the previous ones; race, religion, religious creed, colour, and ancestry.

208. The prohibitions apply to the use of application forms. That is, no person is allowed to require an applicant for employment to complete a form of application that asks for particulars as to race, religion, religious creed, colour, ancestry, sex, marital status or ethnic or national origin.
209. Sex and marital status were added to the grounds upon which persons must not deny accommodation, services or facilities available in any place to which the public is customarily admitted.
210. No one may deny a person occupancy of an apartment in a building which contains more than six self-contained dwelling units, because of race, religion, religious creed, colour, ancestry, sex, marital status or ethnic or national origin. The previously prohibited grounds were race, creed, colour, nationality, ancestry or place of origin.
211. A new clause states that the section regarding denial of accommodation, public facilities, etc., does not apply where the accommodation, services or occupancy is restricted to persons who are of the same sex.
212. Sex and marital status are added to the list of grounds upon which discriminatory publications, signs, notices, emblems, etc., are prohibited.
213. The amendment repeals a section which states that the Ordinance is not applicable to an employer with fewer than five employees.
214. Sex and marital status are added to the grounds upon which an employer may discriminate where a preference is based upon a bona fide occupational qualification.

IV. INDUSTRIAL RELATIONS

215. In the last issue of Legislative Review a report covered the new British Columbia Labour Code. A section in the Statute Law Amendment Act, 1974 (into force October 15, 1974) applies to the Code.

Certification

216. Added to the powers that the Board may exercise when, after an inquiry it has found that unfair labour practices have been committed, is that of the imposition of such conditions as it considers necessary or advisable upon the trade union concerned. If the conditions are not substantially fulfilled to the satisfaction of the Board within 12 months from the date of the certification, or within such lesser period of times as the Board may order, the certification is cancelled.
217. When a representation vote is taken a "majority" is defined as the majority of the employees in the unit who cast ballots and who vote to elect the trade union as bargaining agent for the employees in the unit.

Jurisdiction of Board

218. The Board's exclusive policies to determine the extent of its jurisdiction and any fact or question of law necessary to establish its jurisdiction is expanded.
219. Included now are
- review of panel decisions;
 - determination of appropriate bargaining unit;
 - determination of whether or not a person is a member in good standing of a trade union;
 - successor rights and obligations;
 - arbitration procedures concerning referral to an officer or the Board.

Collective Agreements

220. Each of the parties to a collective agreement were previously required, upon its execution, to file one copy with the Minister. The amendment requires two copies to be filed with the Minister and one copy with the Board.
221. The powers of an arbitration board to substitute a penalty when an employee has been dismissed, suspended, or otherwise disciplined by an employer for proper cause, and the collective agreement does not contain a specific penalty for the infraction, is now a power of the Labour Relations Board as well.

222. A bill amending the Alberta Labour Act came into force on Royal Assent, June 6, 1974. A new division is added to the legislation specifically to provide for collective agreements relating to the construction of oil sands plants.

Principal Contractor

223. A principal contractor has the authority to bargain collectively on his own behalf and on behalf of any other employer engaged in the construction of an oil plant in a lease area with any trade union that is the bargaining agent of the principal contractor or any other employer engaged in the construction of an oil plant in a lease area.
224. The term "principal contractor" means the person, corporation, partnership or group of persons primarily responsible for the construction of an oil sands plant.

Collective Agreements

225. Matters which are bargainable are
- wages;
 - health, welfare and pension benefits; and
 - vacation and other holiday benefits.
226. Existing collective agreements are to remain unaffected during bargaining under the new provisions.
227. The new provisions apply notwithstanding any existing registration certificate or collective agreement which affects either the principal contractor or other employers.
228. Conciliation procedures under the Labour Act do not apply where bargaining is carried out under the new provisions.
229. A collective agreement entered into between the principal contractor and the trade union is binding on: the principal contractor; the other employers on whose behalf the principal contractor bargained (i.e., other employers engaged in the construction of an oil sands plant in a lease area); any other employer who subsequently becomes engaged in the construction of an oil sands plant in the lease area; the trade union representing workers in the lease area and the employees on whose behalf the agreement was signed.
230. Collective agreements are deemed to remain in force until the completion of the construction project.

231. Where a collective agreement is entered into under the new provisions, the principal contractor, other employers on whose behalf the principal contractor bargained, subsequent employers engaged in the lease area tar sands plants, the trade union, and the employees on whose behalf the trade union bargained, are deemed to be excluded from; any registration certificate and its effects, any other collective agreement, and where applicable any application for a registration certificate which, but for the new provisions, would have applied to the parties mentioned above.

Suspension of other Provisions

232. The new provisions suspend certain other provisions of the Alberta Labour Act (revocation of certification, termination of a collective agreement, duration of an agreement, terms of an agreement) from application to agreements made under them (i.e., the new provisions).

Panels

233. In Newfoundland, (awaiting proclamation) provision was made for establishing panels of the Labour Relations Board, similar to those set up in Prince Edward Island this year.
234. The Lieutenant-Governor-in-Council is empowered to appoint as many part-time "representative members" of the Board as he considers proper. These members, equally representative of employees and employers in the province, hold office for two years and are deemed to be members of the Board only while serving on a panel of the Board.
235. A panel consists of the chairman or the vice-chairman if appointed by the chairman, and the two representative members who are representative of employees and employers in the industry or service with which the matter before the panel is concerned. Two or more panels may proceed with separate matters at the same time. The chairman may refer to a panel any matter that is before the Board and to the Board or another panel any matter that is before a panel.
236. A panel has the power and authority of the Board, its decisions are those of the majority, and it ceases to exist when the chairman decides that the matter it is considering is completed.

237. Amendments to the Labour Relations Board Regulations in British Columbia, added British Columbia Day to the definition of holidays, as well as modifying provisions concerning applications to the Board for hearing complaints on strikes, picketing, limitation of production by employees and lockouts.

Application - Notices

238. Previously, the Board could direct the employer to bring the application to the attention of affected employees in some other way in addition to posting notices. Either one or both methods of notification are now acceptable.
239. Further flexibility is added to the application provisions by the Board being able to permit, at the request of either party or on its own motion, any party to initiate or proceed with an application without fully complying with the regulations.

Hearings

240. The Board may notify the parties that formal hearing of the complaint and application will be postponed pending investigation or attempted resolution of the dispute by the Board.
241. A contesting party is no longer required to set out the material facts upon which it relies in a statutory declaration.
242. The Board may, without holding a hearing
- dismiss the complaint;
 - postpone making an order until the parties, in accordance with a procedure agreed to by the parties and sanctioned by the Board, have endeavoured to settle the matter in dispute; or
 - make such other order or proceed in such other manner as it deems appropriate.

SPECIAL GROUPS

Teachers

British Columbia

243. The Public Schools Interim Arbitration Procedure Act (Bill 173) adopted in British Columbia received Royal Assent on November 26, 1974 but is retroactive and came into force on November 13, 1974.
244. The purpose of this Act is to ensure that orderly arbitration procedures respecting teachers' salaries take place in respect of collective agreements covering the 1975 calendar year.
245. Sections 137, 138(7) to 140 and 141 of the Public Schools Act dealing with negotiation and arbitration do not apply to collective agreements which come under Bill 173.

Collective Bargaining

246. On or before November 29, 1974, a board of school trustees or its agent may negotiate an agreement with the local association of teachers in a school district or its agent whereby teachers' salaries and bonuses or teachers' salary and bonus schedules are established for the 1975 year or the 1975 and one more subsequent calendar year.
247. Where an agreement has not been concluded by that date, the conciliator acting under the Public Schools Act advises the Minister, the school board and the association that the matter will be referred to a salary arbitration board. This board is composed of two members appointed respectively by each party and a chairman nominated by the two arbitrators already appointed.
248. On application a judge of the County Court will appoint an arbitrator if one party fails to do so. A judge of the Supreme Court will appoint the chairman of the board if the two appointed arbitrators do not agree on the nomination of a chairman.
249. If no arbitrator or chairman has been appointed either by the parties or the Courts, the submission of the matter to arbitration is rescinded and the agreement that was in effect for the 1974 calendar year remains in effect for the 1975 calendar year.
250. An arbitration award is final and binding on the school board and the teachers in respect of whom arbitration is invoked.

Nova Scotia

251. The teachers of Nova Scotia will bargain collectively under Bill 63 which may be cited as an Act Respecting Collective Bargaining for Teachers. Since 1968, collective bargaining was regulated by the Teaching Profession Act.

Collective Bargaining

252. The Nova Scotia Teachers' Union is the exclusive bargaining agent for the teachers with the employer.
253. Where no professional agreement is in force, either party may by notice in writing require the other party to commence bargaining. Where a professional agreement is in force the notice requiring to commence collective bargaining may be given by either party within a period of two months next preceding the date of expiry of the term of, or preceding termination of the agreement.
254. If the parties are unable to reach an agreement the union or the school board gives notice in writing to the other that it desires the matter to be referred to an arbitration board composed of three persons.
255. Two members of the arbitration board are appointed respectively by each party. These two members appoint a third person to be a member and chairman of the arbitration board.
256. The decision of the majority is the decision of the board and is binding upon the parties.
257. Where a notice to commence bargaining has been given, the union and the employee shall within 20 clear days after the notice was given or such further time as the parties may agree, meet and commence to bargain collectively.
258. No modification can be made by the employer to the rates of wage, the term or condition of employment without the consent of the bargaining agent or the Labour Relations Board until a new agreement has been concluded, or a conciliation officer appointed failed to bring the parties together and reported to the Minister, or a conciliation board was appointed and its report received by the Minister.
259. The Minister may instruct a conciliation officer to confer with the parties where collective bargaining has not commenced within the time prescribed, on request of either party, or in any case in which he finds it advisable.

260. Where a conciliation officer fail to bring about an agreement between the parties and 14 days have elapsed since he made his report to the Minister, both parties, jointly or severally may make application for appointment of a conciliation board.
261. If the Minister of Education and the union wish to settle the dispute by compulsory and binding arbitration they may do so if they both agree. Both parties must notify the Minister in writing within 14 days after a conciliation officer has been appointed and failed or within seven days after a conciliation board was appointed and failed to bring the parties to an agreement.
262. The Minister may appoint a mediation officer any time he feels it may bring settlement of or prevent a dispute.
263. The functions and powers of the mediation officer are to investigate the dispute, attempt to bring about a settlement or assist the parties in the development of effective labour-management relations.
264. In case of failure by the mediation officer to effect a settlement of a dispute, with the consent of the Minister, he may make a report which is deemed to be a report of a conciliation officer. This is possible where collective bargaining has not commenced within the time prescribed, or collective bargaining has commenced but without success, or in any other case in which in the opinion of the Minister it is advisable to do so.

Professional Agreement

265. A professional agreement is binding upon the bargaining agent, every teacher in the unit of employees and the employer.
266. Every agreement contains a provision for final settlement of all differences between the parties without stoppage of work by arbitration or otherwise. Where the agreement does not contain such a provision, it is deemed to contain a statutory provision to the same effect. This provision remains in force after the termination of the agreement and until the conciliation process is over.
267. The arbitrator or arbitration board has the power to establish its own procedure and to determine if a matter is arbitrable. It also has the power to substitute for the discharge or discipline of a teacher for just cause any other penalty that seems just or reasonable in the circumstances.

268. Any provision of the agreement is subject to revision according to the agreement except those relating to the term of the agreement.
269. Every agreement is deemed to be for a term of at least one year, except with the consent of the Labour Relations Board.

Strikes and Lockouts

270. Strikes and lockouts are forbidden until the parties have bargained collectively and been through conciliation.
271. A strike or lockout may not take place more than six months following the 14th day after the report of the conciliation officer was made to the Minister, or the 7th day after the report of the conciliation board was received by the Minister.
272. No strike shall occur until the majority of the teachers in the unit have voted in favour of a strike by secret ballot.
273. A strike or lockout is authorized 48 hours after the Minister has received a notice to this effect.
274. No strike or lockout can be authorized when both parties have voted in favour of the acceptance of the report of a conciliation board.
275. The right to strike is earned 30 days after 14 days have elapsed following the report of the conciliation officer or seven days following the receipt by the Minister of the report by the conciliation board.
276. Work stoppage is prohibited by the Act. Any person claiming to be involved in or affected by a work stoppage may make a complaint to the board. The board will investigate the matter and may issue an interim order.
277. Before or after the making of an interim order, the board may authorize an officer of the Department of Labour to inquire into the matter. In case of failure by this officer to effect a settlement, the board will conduct a hearing. The decision is in the form of an order of the board. It has the force and effect of law and is binding upon the persons involved.
278. An interim order is in force until the decision of the board comes out. This decision may rescind or vary the interim order.

Unfair Practices

279. It is an unfair practice for an employer to refuse to employ or to continue to employ a person or discriminate against any person because that person is involved in any way in a proceeding under this Act, has filed a complaint or has participated in a legal strike.
280. It is also an unfair practice to restrain a teacher from exercising any right under this Act, or to discharge or discipline a teacher who refuses to perform the responsibilities of another teacher who is participating in a legal strike. To seek by intimidation or threat to compel a person to refrain from participating in a proceeding under this Act, making a disclosure or filing a complaint is an unfair practice.
281. It is an unfair practice for the union to expel, suspend or deny membership in the union to any person by applying in a discriminatory manner the membership rules of the union.
282. Discrimination in the application of the standard of discipline of the union is also an unfair practice. Disciplinary action against a teacher who refused to perform an act that is contrary to this Act and discrimination against a person who is involved in any proceeding under this Act are forbidden.
283. Any person or organization may make a complaint in writing to the board regarding unfair practices but not later than 90 days from the date the complainant knew of the action giving rise to the complaint.

Board of Conciliation

284. The board of conciliation consists of three members. Both parties nominate a person to be appointed member by the Minister. The two members appoint a chairman within five days after the day they are appointed.
285. In case of failure by the two members to nominate a chairman the Minister appoints one.
286. The purpose of the conciliation board is to endeavour to bring about an agreement between the parties. The decision of the majority of the members is the decision of the conciliation board.
287. Within 14 days after the appointment of the chairman or within a longer period that is agreed upon by the parties, or as may from time to time be allowed by the Minister, the conciliation board reports its recommendations to the Minister.

288. At any time before or after the conciliation board makes its report, the parties so agree in writing, the recommendation of the conciliation board is binding on the parties and they shall give effect thereto.

Prosecution

289. Prosecution for an offence under this Act against a union or employer must be instituted with the consent in writing of the Minister except for prosecution instituted by the Minister or the Attorney General. For the purpose of such prosecutions, the union is deemed to be a person.

Commission of Inquiry

290. The Minister may either upon application or of his own initiative where he deems it expedient appoint a "Commission of Inquiry" to make an investigation regarding teacher-employer matters, and may do such things as seem calculated to maintain, secure and to promote conditions favourable to settlement of disputes.
291. The report of the commission including its recommendation is made to the Minister within 14 days of its appointment or such extension thereof as the Minister may from time to time grant.
292. The Commission also investigates complaints referred by the Minister and made by a person claiming to be aggrieved because of an alleged violation of any of the provisions of this Act.

Offences

293. Every person or the union who does anything prohibited by the Act or who refuses or neglects to do anything required by the Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 if an individual or to a fine not exceeding \$10,000 if a school board or the union.
294. The penalty for an employer who declares or causes an illegal lockout is a sum not exceeding \$300, for each day upon summary conviction.
295. The person acting on behalf of the employer is liable to a penalty not exceeding \$200 for each day that the lockout exists.

296. The union which declares or authorizes a strike contrary to the Act is liable upon summary conviction to a penalty not exceeding \$300 for each day that the strike exists.
297. Every officer or representative of the union is liable to a penalty not exceeding \$200 for each day that the strike exists.
298. On November 27, 1974, a Private Member's Bill received Royal Assent. Bill 64 may be cited as an Act to amend Chapter 109 of the Acts of 1968, The Teaching Profession Act.
299. This Bill provides that teachers who resigned or are expelled from the union (Nova Scotia Teachers' Union) and continue to be employed by a school board should pay to the union an amount equivalent to the regular fees for membership as are prescribed by the union.

Québec

300. December 18, 1974, the Quebec Legislature adopted an Act respecting collective bargaining in the sectors of education, social affairs and government agencies (Bill 95).
301. Collective agreements coming into force on or after July 1, 1975, regarding teachers, non-teaching professional personnel and support personnel employed by school boards and colleges, will be regulated by Bill 95 and the Québec Labour Code.

Collective Bargaining

302. According to Bill 95 associations of employees which belong to an employee-associations group negotiate through a bargaining agent appointed by their group. Those who do not belong to an employee-associations group negotiate through a bargaining agent appointed by them.
303. The school boards and colleges negotiate through a bargaining agent appointed by one of these groups: any association, federation or other organization to which the majority of the school boards or colleges belong, deemed to be representative of the colleges or school boards by the Minister of Education if it is not already so recognized by law.
304. The Minister of Education, through his representatives, is of right a party to the negotiations.

305. Within 90 days from the coming into force of Bill 95, the parties through their bargaining agent must agree on which matters are to be negotiated and approved at the provincial level and which at a level other than provincial. In case of failure, the Lieutenant-Governor-in-Council will determine which matters are to be negotiated including at least those matters upon which all the parties have agreed to negotiate at the provincial level.
306. These matters for provincial negotiations shall be the subject of clauses negotiated and approved by the parties.
307. Local or regional arrangements between the associations of employees and the school boards or colleges may be authorized by the clauses to be negotiated and approved by the parties.
308. Matters for other than provincial negotiation are negotiated and approved between one or more associations of employees and one or more school boards or colleges as the case may be.

Collective Agreement

309. A collective agreement binding upon the parties includes the matters agreed upon by the parties to be negotiated and approved at the provincial level and which at a level other than the provincial.
310. It includes also the clauses negotiated and approved at the provincial level authorizing the making of regional arrangements and clauses on matters for other than provincial negotiation.

Saskatchewan

311. Bill 77 being an Act to amend the Teacher Collective Bargaining Act, 1973 received Royal Assent May 10, 1974.
312. The Act modifies the interpretation of the word "grievance" by excluding matters involving disciplinary action by a school board against a teacher.
313. A grievance now includes only any disagreement between the parties to a collective agreement with respect to the meaning or application of an agreement or any violation of a collective agreement.

Public Service

British Columbia

314. The Public Service Labour Relations Act, 1973, is amended by the Statute Law Amendment Act, 1974.

- 315. The amendment adds one more exclusion to the general interpretation of the word "employee" regarding a chief court administrator or regional court administrator.
- 316. Not considered as employees either are a sheriff or senior deputy sheriff, as before a sheriff, deputy sheriff or sheriff's officer were excluded from the definition.

Manitoba

- 317. On June 10, 1974, Bill 7 amending the Civil Service Act was adopted. The amendment adds a provision regarding employment on special contract. It provides for remuneration and expenses of members of the Civil Service Commission, retirement of such members at the age of 65 and establishes the quorum of the Commission to three members.
- 318. The Bill establishes and defines three categories of employment being regular, temporary and departmental. It provides for matters regarding pay when there is a change of classification or demotion. It provides for selection appeal where an unsuccessful candidate is of the opinion that a position was not granted on the merit principle. Casual and term categories of employees are eliminated and replaced by temporary employees.
- 319. Bill 7 provides for the rights of public servants regarding elections. Any person who wants to be a candidate for a political party applies for leave of absence without pay. If the candidate is successful the leave of absence without pay will not exceed five years. If unsuccessful the person will be reinstated in his position on application to the government within 90 days from the date on which results of the election are officially declared.

Newfoundland

- 320. The Public Service (Collective Bargaining) Act, 1973 is amended. Bill 61 amends the Act to cure an anomaly.
- 321. The Labour Relations Act does not apply to employees of the Crown and bargaining agents for units of such employees cannot be recognized under that Act. Accordingly, the reference to that Act in the appropriate section is deleted.
- 322. The Bill also permits the Labour Relations Board to make procedural rules and effect delegation in the same manner and for the same purposes as are contained in The Labour Relations Act.

323. On October 31, 1974 a regulation was approved regarding rules of procedure of the Newfoundland Labour Relations Board.
324. This is pertinent to public service by virtue of section 43 of the Public Service (Collective Bargaining) Act, 1973 and section 72 of the Labour Relations Act.

Labour Relations Board

325. The Board includes a chairman, one member representing employers and one member representing employees.
326. Applications for certification of bargaining agent come before the Board. Following an application by an employees' organization, the Board sends a copy of this application to the employer. This employer has seven days to notify the Board whether he desires to contest. Within 14 days he must file with the Board his reply to the application.
327. The applicant receives a copy of the reply and advises the Board whether he desires a hearing or not. The Board concludes if a hearing is advisable or not.
328. The regulations provide also that an application may be made to the Board to prescribe a provision for the final settlement of differences concerning the meaning or violation of a collective agreement.
329. Every employee organization making application to the Board must file with the Board a copy of its constitution and by-laws and the names and addresses of its officers, if they are not already on file with the Board.
330. The regulations provide rules of procedure when the Board has directed that a vote be taken of the employees in the bargaining unit. They also include powers and duties of the chief executive and secretary. Rules of procedure are also established regarding a request from the Board for the employer to provide a list of essential employees.

Prince Edward Island

331. All regulations made under authority of section 8 and section 17 of the Civil Service Act, are rescinded as of October 17, 1974. Part XV and XVI of the new regulations deal with labour relations between employer and employees.

Grievance Procedure

332. According to the deputy head of each department or government agency, the grievance process may consist of one, two or three levels. The final level is the Grievance Review Board.
333. When unsatisfied with the decision of the lower levels, the employee may submit his grievance to the Board. The decision of the Board is delivered by the chairman within five days of the conclusion of the hearing. Where disciplinary action against an employee is involved, the Board may conform, increase, reduce, or rescind the penalty. The decision of the Board is binding on the parties.

Consultation and Negotiation Procedures

334. The Prince Edward Island Public Service Association is the authorized representative for civil servants for a period of two completed agreement negotiations or three years from the date of the first agreement whichever is greater. After such period, the authorizing body composed of the Minister Responsible for the Civil Service Act (chairman) and two additional members appointed by the Lieutenant-Governor-in-Council, will designate either the same or another organization which represents 50% of the civil servants as the authorized representative.
335. Consultation process is established to secure co-operation between the government, its employees and their authorized representative. The negotiation process allows either party to request the other in writing three months preceding the expiry date of an agreement, to commence bargaining to review, revise or adopt an agreement whichever the case may be. Parties must meet and commence bargaining within 14 days after the notice was given.
336. Where negotiations have not commenced within the time prescribed or have commenced and continued for six weeks, either party may request the Minister of Labour to appoint a conciliation officer to bring about an agreement between the parties. In case of failure, the conciliation officer submits his report to the Minister of Labour.
337. Upon request from either party, the Minister of Labour then appoints a board of arbitration consisting of three members. A single arbitrator may also be appointed. He has the same powers as a board of arbitration. The arbitrator or the board makes an award to settle matters in dispute between the parties. Not later than 30 days following the arbitration award the parties prepare and sign an agreement including all matters settled in the award and all matters previously agreed upon by the parties.

Yukon Territory

338. On May 13, 1974, an Ordinance of the Yukon Territory was assented amending the Public Service Staff Relations Ordinance.
339. The amendment establishes the composition of the Yukon Public Service Staff Relations Board to a chairman, a vice-chairman, not more than three deputy chairmen, and not less than four nor more than eight other members representing in equal numbers the interests of employees and employers.
340. A deputy chairman as other members of the Board is appointed by the Commissioner for a period of five years. A deputy chairman may exercise the powers and functions of the chairman on appointment by the chairman.

Social Affairs Sector (hospital workers, health services,
social services)

Québec

341. The negotiations to collective agreements for association of employees working in the social affairs sector coming into force on or after July 1, 1975, are regulated by Bill 95 as well as the Québec Labour Code. Bill 95 is an Act respecting collective bargaining in the sector of education, social affairs and government agencies.
342. The social affairs sector includes public establishment (hospital centres, local community service centres), private establishments (reception centres receiving less than 20 persons, operating in a co-operative form), private establishments under contracts with the Minister of Social Affairs to provide health or social services, and any body declared classified for the purpose of Bill 95 by Lieutenant-Governor-in-Council.
343. In order to be valid, clauses of collective agreements between these establishments and associations of employees must be negotiated and approved at the provincial level. The Minister of Social Affairs, through his representative, is of right a party to negotiations.
344. Associations of employees which belong to the same employee-associations group negotiate through a bargaining agent appointed by their group. Others which do not belong to the same employee-associations group negotiate through a bargaining agent appointed by them. Establishments belonging to an establishments group negotiate through their group. Others negotiate through the establishments group chosen by each of them.

345. Clauses negotiated and approved at the provincial level may authorize local arrangements and clauses to be agreed locally between associations of employees and establishments. These items are to be included in the collective agreement which is binding upon the parties.

Firemen

Ontario

346. The Fire Department Act, being chapter 169 of the statutes of Ontario was amended by an Act to amend the Fire Departments Act.
347. Section 8 of the Act provides that the Arbitration Act does not apply to arbitration procedure under section 6 or 7 of the Act. The amendment extends this provision to The Statutory Powers Procedure Act which does not apply either to arbitration under the Fire Department Act.

Provincial Police

Québec

348. The Québec Police Force negotiates under the Act respecting the Québec Police Force syndical plan. Nevertheless, Bill 95 being an Act respecting collective bargaining in the sectors of education, social affairs and government agencies will govern the negotiation of the collective agreements coming into force on or after July 1, 1975.
349. Bill 95 provides that the Minister of Civil Service, through his representatives, is of right a party to the negotiation of collective agreements between the parties.
350. Associations of employees negotiate and approve clauses through a bargaining agent designated by them. The Québec Police Force negotiates and approves clauses through a bargaining agent designated jointly by this agency and the Minister of Civil Service.

Construction

Québec

351. The Québec Legislature adopted the Act to amend the Construction Industry Labour Relations Act on December 24, 1974.

352. Bill 201 was introduced to authorize the Government to extend, repeal or amend the decree without the consent of the parties when he is of the opinion that in the public interest, such solution is the only one which can remedy the existing situation.
353. The Bill also provides that proceedings by the Attorney General may be instituted by any person generally or specially authorized by him to do so.

EMERGENCY LEGISLATION

Federal

354. On October 10, 1974, Parliament enacted Bill C 12, an Act to provide for the resumption of grain handling operations' on the west coast of Canada.
355. This emergency legislation came into force to put an end to a six weeks strike in which were involved 550 members of the Grain Worker Union.
356. The term of each collective agreement to which the Act applies is extended to include the period beginning on December 1, 1973 and ending on the day of the coming into effect of a new agreement or revision thereof, or on November 30, 1975, whichever is the earlier.
357. The Act amends each collective agreement by increasing the basic rate of wage by 87 cents an hour effective December 1, 1973. The collective agreements are binding on the parties. Strikes and lockouts are prohibited during the term for which each collective agreement is extended.
358. The amendments to the agreements provided by the Act must be incorporated in the collective agreements. Parties must negotiate in good faith to agree on the manner in which these amendments are to be incorporated in the agreement.
359. The Act provides for a referee to be appointed by the Governor-in-Council on the recommendation of the Minister when the parties cannot agree on the interpretation of an amendment or on the manner in which it should be included in the agreement. Provisions of the agreement relating to the settlement of disputes do not apply to the matter referred.

360. The referee's decision is incorporated in the agreement. The right of the parties to vary or amend the provisions of the agreement is not restricted except for provisions relating to the term of the agreement.

British Columbia

361. The Essential Services Continuation Act originates with a strike by the firefighters of five certified units in the Vancouver area.
362. The Act varies the certification of these units by substituting in each case a council of trade unions as bargaining agent. The Greater Vancouver Council of Firefighters Trade Union is the new bargaining agent and is deemed to be a council of trade unions within the meaning of the Labour Code of B.C. Act.
363. The agreement in effect between one of the units and the employer constitutes the new collective agreement binding upon the parties. It becomes effective on the day following the date of expiry of the last preceding collective agreement.
364. This emergency legislation amends the Labour Code of B.C. by modifying the certification process for council of trade unions.
365. As before, on application or on its own motion, the Labour Relations Board after investigation, could certify a council of trade unions or vary a certification by substituting a council of trade unions as bargaining agent.
366. The Minister will now receive application's and after investigation may direct the board to consider whether or not, in a particular case a council of trade unions would be an appropriate bargaining agent. After consideration, the board may certify a council of trade unions or vary a certification by substituting a council of trade unions as bargaining agent.
367. Another amendment provides for a cooling-off period in a case of dispute between an employer and a firefighters' union, policemen's union or hospital union, which may cause serious danger to life and health. During this cooling-off period which may not exceed 21 days no strike or lockout is permitted.
368. Following a strike by the International Union of Elevator Constructors, Local 82, the British Columbia Legislature enacted in November 1974, The Elevator Construction Industry Labour Disputes Act.

369. Prior to this emergency legislation, an Industrial Inquiry Commission was appointed under the Labour Code of B.C. and made recommendations for the settlement of the disputes. But the parties were unable to achieve a settlement.
370. The Construction Labour Relations Association is the bargaining agent for the five employers involved in the dispute.
371. The collective agreement is based upon an arbitration award established in Ontario pursuant to The Elevator Constructor Unions Disputes Act, 1973, and recommendations made by the Industrial Inquiry commission. The parties must prepare and execute documents in the form of collective agreement giving effect to the terms and conditions set out in the arbitration award and the Commission's recommendations. In case of failure the Labour Relations Board prepares documents to the same effect and these documents constitute the collective agreement binding on the parties.
372. Upon the coming into force of the Act, any existing strike or lockout is terminated.
373. The "Armor agreement" already existing between Armor Elevator Canada Ltd. and the International Union of Elevator Constructors as altered by the commission report and conditions agreed to by the C.L.R.A. and the union representing employees of Armor company, constitutes the collective agreement between the C.L.R.A. and the union.

Ontario

374. August 31, 1974, the Toronto Transit Commission Labour Disputes Settlement Act, 1974 came into force providing for the settlement of disputes between the Toronto Transit Commission and three unions.
375. Collective agreements being expired, the parties have bargained without success and exhausted conciliation services. Strikes have continued since August 12, 1974 and public interest and welfare required that means be provided to bring the strikes to an end.
376. The Act provides for the appointment of an arbitrator to examine into the dispute. The decision of the arbitrator is binding upon the parties. Documents giving effect to this decision and any agreements of the parties must be prepared and executed by the parties.

- 377. In case of failure, on notification from either party or both, the arbitrator will prepare documents. If the parties fail to execute the said documents, they come into effect and constitute collective agreement binding for the parties.
- 378. An immediate hourly wage increase of 12% is included in the provisions of the Bill, which also stipulates that the arbitrator may award further increase.
- 379. Any existing strike is terminated upon the coming into force of the Act. Lockouts are prohibited.
- 380. The terms or conditions of employment are not to be altered either by the employer or the unions, except with the consent of the other party.
- 381. This Act came into force August 31, 1974 and is repealed on the day on which the last of the three collective agreements made under this Act comes into operation.

Québec

- 382. Bill 43 respecting the placing of the "International Union of Elevator Constructors, locals 89 and 101" under trusteeship, was enacted because of failure by the union to observe the decree respecting the construction industry in Québec therefore, causing an emergency situation.
- 383. The Act establishes a board of trustees consisting of a chairman and two members to be appointed by the Lieutenant-Governor-in-Council to manage and control the union.
- 384. Subject to approval by Lieutenant-Governor-in-Council, the board of trustees may: amend the constitution or by-laws of the union, remove or suspend any director officer or employee of the union, appoint other persons to replace them and fix their salary, sue or be sued in the name of the union.
- 385. In the management and control of the union, the board has the power to: draw, accept, make or endorse any bill of exchange or promissory note in the name of or on behalf of the union; borrow money and secure the same on any property of the union; sell, dispose or alienate any immovable or movable property of the union; use the seal of the union; execute deeds, insurance, receipts and other instruments; and do all such things as the officers of the union may do.

386. The board may delegate in writing its duties to any person it designates. Individual members of the board are exempt from liability when exercising attributions in good faith.
387. Any person who hinders or obstructs the board of trustees or any delegate in the exercise of a power or function is guilty of an offence upon summary proceedings in accordance with the Summary Convictions Act. The person is liable to a fine of not less than \$500 not more than \$10,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.
388. The Act does not alter the rights or obligations of the union. The Act came into force July 17, 1974 and expires April 30, 1976 or any earlier date determined by the Lieutenant-Governor-in-Council.

V. INDUSTRIAL SAFETY AND HEALTH

389. During the last six months of 1974, the Northwest Territories issued a new Safety Ordinance and changes were made in the safety legislation of five provinces, the federal jurisdiction and the Yukon Territory.
390. A new Ordinance respecting the safety of workers has been issued in the Northwest Territories and comes into force on April 1, 1975. The main content of this Safety Ordinance is similar in many ways to Part IV (Safety of Employees) of the Canada Labour Code. However, some changes were made to adapt the legislation to the Northwest Territories situation.

Application

391. The Ordinance applies to any work, undertaking or business carried on in the Northwest Territories and any safety regulations made under it will be in addition to those already established.

Administration

392. The Commissioner is to appoint a Chief Safety Officer who will have general supervision and direction of all safety officers in carrying out and enforcing the provisions of the Ordinance and the regulations.
393. The Commissioner will have the power to undertake research or inquiries into the cause of accidents and the means of prevention. He will also develop and promote safety education programs as he considers it appropriate.
394. The powers and duties of safety officers are outlined in the Ordinance and are generally similar to what is found in Part (IV) of the Canada Labour Code.
395. A safety officer may give directions in writing for the carrying out of anything regulated, controlled or required by the Ordinance or the regulations and he may require that his directions be carried out within such time as he specifies.
396. In case of imminent danger to the safety or health of workers, the safety officer is to notify the employer or person in charge of the establishment of the danger and give directions in writing to the employer or person in charge directing him within such period of time as he specifies, to take measures for alleviating or reducing the danger and to protect any person from it. When the safety officer consider that this cannot be done immediately, he may direct that the place, matter or thing must not be used until his directions are complied with.

Appeal from an Employer

397. Where any person is aggrieved by a direction or decision of a safety officer, he may, within 30 days from the date the direction or decision is made, appeal to the Chief Safety Officer who will render his decision 30 days after receiving the appeal. If the appellant is dissatisfied with any direction or decision of the Chief Safety Officer, he may, within 10 days after having received a copy of the decision, appeal to a judge by notice of appeal filed with the "Clerk of the Court".
398. An appeal to the Chief Safety Officer or to a judge does not operate as a stay of any direction or decision given by a safety officer or the Chief Safety Officer not to use a place, matter or thing.

Offence and Penalty

399. Provisions dealing with enforcement are included in the Ordinance. Penalties exist not only for an employer but also for a person in charge of an establishment who is guilty of any offence.

Elevators and Lifts

400. An Act to amend the Elevators and Lifts Act was passed in Prince Edward Island. The amendments to the Act provide for the appointment of a chief inspector by the Minister of Labour and Manpower Resources. The chief inspector is given full authority for the enforcement of the Act.
401. When an elevating device is found to be unsafe by an inspector, he must now give notice in writing to the owner and seal the elevating device. No person except an inspector has the authority to break or tamper with a seal.
402. In any proceedings for a violation of the section of the Act dealing with certificates of inspection, the onus is on the person charged to prove that he is the holder of a valid certificate or that he is not the owner of the elevating device. The maximum penalty for failure to comply with any provisions of the Act has been increased from \$100 to \$1,000.
403. The Lieutenant-Governor-in-Council may now make regulations respecting "construction hoists".

Boilers and Pressure Vessels

404. Effective September 10, 1974, Newfoundland's new Boiler and Pressure Vessel Regulations have replaced The Boiler and Pressure Vessel Regulations 1963.

405. The Boilers and Pressure Vessel Regulations 1974 contain provisions relating to the adoption of certain codes or standards, the issuance of certificate of competency to inspectors and power engineers, the registration of pressure plants and the submission of designs for new boilers, pressure vessels and fittings coming under the Act. The regulations also govern the inspection and testing of any pressure plants.
406. An inspector, on presentation of his authority, may enter premises wherein he has reason to believe there is a steam boiler, pressure vessel or pressure plant and may make such inspection and inquiries as are necessary to determine whether or not the provisions of the regulations are complied with. An inspector inspects before use and inspects annually thereafter every boiler, pressure vessel or pressure plant in an area assigned to him. He may also make an inspection when he has reason to believe that such installation is unsafe.
407. The owner or operator of a boiler or pressure vessel must furnish the labour and material necessary for an inspection; if requested by an inspector he must fill the boiler or pressure vessel with water, remove any jacket or covering, and drill holes in any location designated by the inspector. The owner or operator must also bring to the attention of an inspector any defect which he knows or believes to exist and open the boiler or pressure vessel to have it thoroughly cleaned before inspection.
408. An inspector may cancel a certificate of inspection pertaining to a boiler or pressure vessel if the owner fails to comply with instructions given by an inspector in respect of the Act and the regulations within the time specified by the inspector or where no time has been specified, within reasonable time.
409. In addition the regulations provide for welders' qualification tests and regulate welding procedures.

Construction Safety

410. In Alberta the Construction Regulations which had been in existence for one year have been replaced by new Construction Safety Regulations which come into force January 1, 1975. As in the past, the regulations cover such industries as building, construction, demolition, trenching, pipeline construction, excavating, tunnelling and shaft sinking.
411. The former regulations were rewritten and the safety requirements are now more detailed. New requirements for some hazards and dangerous equipment or installations have also been brought into the legislation. All employees and workers

concerned with the use of radioactive substances must comply with the regulations made under the Atomic Energy Control Act (Canada). Commercially manufactured ladders, material and workmen's hoists, safety belts, lifelines and safety nets must meet the requirements of the Canadian Standards Association. Provision is also made to protect workers from falling materials, to ensure the safety of various types of scaffolds and to prevent an employee from falling into a material hopper, bin or chute.

Mining

412. An Ordinance to amend the Mining Safety Ordinance was passed in Yukon. The section of the Ordinance dealing with restriction as to the age of workers employed in mines has been changed. The term "male person" has been replaced by "person" in order to make the clause apply to women as well as men and the last part of the section which prohibited the employment in or about a mine of boys under 16 has been deleted.
413. In Newfoundland, The Mines (Safety of Workmen) (Amendment) Regulations, 1974 provide that no substance can be used in any mine as fuel in or for an internal combustion engine of the compression-ignition type unless it conforms to certain specifications made by the Canadian Government Specifications Board.

Inspection Visits

414. The British Columbia Workmen's Compensation Amendment Act which was assented to June 20, 1974 provides that employer and worker representatives have the right to accompany officers of the Workers' Compensation Board on all job site inspection.
415. The employer appoints the management representative and where a union is certified, it appoints the worker representative. Where there is no union, the worker representative is selected by and from the workers on the Accident Prevention Committee.
416. Where there is more than one employer or union on a job site, the officer of the Board decides which employer or union will appoint a representative. That decision is made after considering which employer appears to be the prime contractor or to have the most workers on the site or workers with the greatest exposure to hazard and considering which union appears to have the most members or which has the members with the greatest exposure to hazard.

417. An employer may object to the selection of a worker representative on the ground that the appointment would hamper production, and another worker will then be chosen. But an employer may object to only one selection on that ground.
418. The worker representative continues to be entitled to the wages he would receive if he were at his regular duties.
419. These provisions apply to inspection visits made on or after September 1, 1974.

Radiation

420. Saskatchewan's regulations under the Radiation Health and Safety Act and the federal regulations under the Radiation Emitting Devices Act have been amended.
421. In Saskatchewan the amendments to the regulations concern vendors and operators of radiation equipment. In the case of manufacturing of design shortcomings of radiation equipment or associated apparatus, the vendor must notify the Minister of Labour in writing of particulars related to himself, the products or actions if any which have been taken to remove from operation or retrofit any assembly or component.
422. Every vendor or operator must provide the Minister with a copy of any maintenance schedules and inspection check lists that have been established by the manufacturer or that have been devised for use by the operator.
423. A non-radiation accident which has caused injury to any person arising from the manufacturing, testing or use of radiation equipment and associated apparatus must be reported in writing to the Minister by the vendor or operator. The inspector of newly installed equipment must also be reported by the vendor.
424. Amendments to the Federal Radiation Emitting Devices Regulations brought microwave ovens under coverage. The standards of design, construction and functioning of microwave ovens are now regulated as is the case for other radiation emitting devices such as television receivers and extra-oral dental X-ray equipment.

Future Developments in the Safety Legislation

425. The federal jurisdiction, Manitoba and Ontario have passed legislation which will come into force on a day fixed by proclamation.
426. An Act to amend the Explosives Act was passed by the Senate of Canada, and has not yet been proclaimed in force. The general purpose of these amendments is to provide for greater control over explosives, especially in those areas relating to the purchase, possession and transportation thereof.

427. In Manitoba, The Power Engineers Act will replace The Operating Engineers and Firemen Act when proclaimed, however, the regulations will continue in force until separately amended or repealed.
428. An Act to amend The Industrial Safety Act, 1971, of Ontario was assented to December 10, 1974. This Act will come into force on a day to be named by proclamation. The purpose of the Bill is to repeal "The Loggers' Safety Act" and to make The Industrial Safety Act, 1971 applicable to logging.
429. An Act to provide for an Ontario Building Code is also awaiting proclamation. The Bill provides the statutory authority for the establishment and enforcement of an Ontario Building Code to replace the existing building standards established by municipal by-law and the provincial plumbing code. The enforcement in municipalities will remain with the municipalities.

VI. WORKMEN'S COMPENSATION

430. Several jurisdictions made changes in their workmen's compensation legislation during the last six months. Saskatchewan passed a new Act, The Workers' Compensation Act, 1974 to replace The Workmen's Compensation (Accident Fund) Act. Amendments were also made to the Acts of British Columbia, Manitoba, Ontario and Prince Edward Island; in the first two provinces the title of the Act has been changed to "The Workers' Compensation Act", this is now standard in the four western provinces. In the Northwest Territories a revised Workers' Compensation Ordinance, effective October 1, 1974, has been issued and provides for the creation of a Board to administer the legislation.

Creation of a Board

431. A Workers' Compensation Board has been established in the Northwest Territories to administer the Workers' Compensation Ordinance. The Board consists of three members appointed by the Commissioner for a term not exceeding five years, however, any member whose term has expired is eligible for reappointment.
432. The Commissioner may appoint one member to be Chairman of the Board. Two members of the Board constitute a quorum and the Board may appoint a medical adviser to assist it in its proceedings.
433. The Board has power to determine all matters and questions arising under the Ordinance. This task was formerly performed by the Commissioner or a referee appointed by him.
434. Any action or decision of the Board is final and is not open to review in any court except where there has been a denial of natural justice or an excess of jurisdiction exercised by the Board.
435. All decisions and rulings of the Board must be given according to the justice and merits of the case, and the Board must from the circumstances of the case, the evidence adduced and medical opinions, draw all reasonable inferences and presumptions in favour of the worker.
436. In the case an amount awarded as compensation by the Board is not paid within 30 days of the day on which the award was made or required to be paid, whichever is applicable, the Board, the worker or any dependent may file a certificate embodying the substance of the order with the clerk of the Court, and this certificate is deemed to have the same effect as if it were a judgment of the Court.

Coverage

437. The new Northwest Territories Ordinance applies to employers in all industries in the territories except those exempted by a regulation of the Board. However, employers are not liable to pay compensation in the case of casual workers, domestic servants, outworkers or members of the legal, medical, accounting, dental or pharmaceutical profession; the industries of farming and ranching have been removed from this list of excluded occupations.
438. Persons working in the public interest, whether they are paid or not, may be brought under the scope of the Ordinance by the Commissioner, upon such terms and conditions as he directs, and are deemed to be employees of the Government of the Northwest Territories for the purposes of the Ordinance. The Commissioner may also deem to be workers employed by the Government of the Northwest Territories any person or class of persons enrolled in a vocational or training program approved by him.
439. In Saskatchewan, where a union represents a worker or workers in an industry not within the scope of the Act, the employer may submit an application for coverage only with the consent of the union.
440. Amendments to the British Columbia's Act have expanded the circumstances in which coverage is available to work study and self-improvement programmes. In the case of a person or group of persons engaged in a work study or any other programme of self-improvement involving work, whether payment is received or not, the Board may admit the people concerned as being within the scope of Part I of the Act upon an application of an employer or a programme organizer. The Board may also with the approval of the Lieutenant-Governor-in-Council, deem any person or group engaged in such programme to be workers of the Crown in right of the Province and to be covered by Part I of the Act.
441. In Manitoba the Lieutenant-Governor-in-Council may, by order, declare any persons or class of persons to be workmen in the employment of the Government. Except as otherwise directed, such workers are to be compensated in accordance with special provisions which set out the income on which compensation is to be based for temporary and permanent disability.
442. The Lieutenant-Governor-in-Council may also by regulation, include any industry within the application of Part I of the Act, and in so doing he may provide that the regulation applies to a part or the whole of the province.

443. Part I of the Newfoundland's Act now applies to the industries of whaling, sealing and farming. Persons involved in the industry of fishing, whaling or sealing who are remunerated by shares or who are employed on a boat, vessel or ship provided by the employer are deemed to be workmen for the purpose of the Act. The Workmen's Compensation Act, 1948 which applied to certain classes of commercial fishermen was repealed July 3, 1973. However, accidents that occurred before that date continue to be under the operation of the Act.

Earnings Ceiling

444. Effective July 1, 1974 the ceiling on maximum annual earnings on which compensation payments are based was increased from \$8,400 to \$10,000 in Saskatchewan, from \$8,000 to \$10,000 in Manitoba and from \$10,000 to \$12,000 in Ontario. In British Columbia the new maximum annual wage is now of \$12,100; effective January 1, 1975 this reflects an increase in average wages and salaries in the province. Northwest Territories raised its ceiling to \$10,000 for accidents occurring after September 30, 1974 and there was an increase of \$1,000 in Prince Edward Island becoming effective January 1, 1975 and bringing the ceiling up to \$8,000.
445. Amendments to the legislation of Manitoba and Saskatchewan provide that the income ceiling will be increased by, \$1,000 increments whenever 10% or more workers injured during the preceding year are earning incomes in excess of the maximum average earnings applicable at that time.
446. In British Columbia a new formula adjusting earnings ceiling has been introduced. Prior to the end of each year the Board determines the maximum wage rate for the following year; the amount is established in relation with the annual average wages and salaries in the province for the preceding year.
447. The maximum annual earnings insurable in respect of a member of a municipal volunteer fire brigade and firefighter covered by the Manitoba Act have been increased from \$8,000 to \$10,000 per year in respect of injuries occurring on or after July 1, 1974.

Benefits to Dependants

448. Allowances paid to dependants of workers fatally injured have been increased in five provinces and the Northwest Territories. A new system based on the pension the deceased worker would have received for permanent total disability has been introduced in British Columbia and Manitoba.

449. In the case of the death of a worker in British Columbia, the funeral expenses were increased from \$380 to \$669.60 and for incidental and transportation expenses from \$120 to \$223.20, effective January 1, 1975.
450. A new system of compensation for deaths occurring on or after July 1, 1974 is included in The Workmen's Compensation Amendment Act, 1974. A widow or invalid widower with two or more children is to receive an amount equal to the pension the deceased worker would have received for permanent total disability plus \$72.54 per month for each child beyond two in number. Federal benefits payable under the Canada Pension Plan as a result of the death or because the spouse has retired or reached retirement age are included in the amount.
451. A widow or an invalid widower with one child is to receive 85% of the permanent total disability pension (federal benefits included).
452. A widow of 50 years or over at the date of death or an invalid spouse is entitled to 60% of the permanent total disability pension (federal benefits included).
453. A capital sum of \$11,160.08 is given to a widow under 40 years at the date of death or to a widower where there are no dependent children and such a dependant is not an invalid.
454. A widow who is not invalid, has no dependent children and is between the age of 40 and 50 years at the date of death, is entitled to a minimum amount of \$234.36 per month plus a proportion according to the age of the difference between this amount and what is received by a widow of 50 years or over. A table showing the various proportions is included in the Act.
455. Where there is no surviving spouse or common-law wife eligible for monthly payments, a dependent child under 18 or 21 if attending school, or an invalid child, is entitled to a monthly payment that equals 40% of the permanent disability pension when combined with federal benefits. For two children the percentage is 50% and when there are three or more the proportion is 60% plus \$72.54 per month for each child beyond three in number.
456. The minimum allowances payable to a widow or widower with one or more children, to a widow of 50 years or over, to an invalid spouse or to orphan(s) is calculated in each case in respect of a deceased worker with average earnings of \$7,812.05.
457. The period after which a common-law wife is entitled to compensation provided that the worker does not leave a dependent widow, has been reduced by 50% to three years or one year where a child was born to the union.

458. Where compensation is being paid to dependants in respect of deaths occurring prior to July 1, 1974, and those dependants are not entitled to receive benefits under the Canada Pension Plan, a widow of 50 years of age or over, an invalid spouse, orphan(s) or a widow with children are entitled to additional monthly payments equal to \$97.10 for a spouse and \$30.13 for each child. Where dependants would qualify for such increases but for the fact that they are receiving benefits under the Canada Pension Plan, and where the total amount they receive is less than what is provided under the Act, the amount is increased accordingly.
459. An Act to amend The Workmen's Compensation Act was passed in Manitoba. Allowances paid to widows or invalid widowers of employees fatally injured before January 1, 1974 went up by 66 2/3% from \$150 to \$250 monthly. Additionally for children under age 16, allowances were increased to \$70 monthly from \$60, and for children over 16, continuing their education the amount went up to \$80 monthly from \$70.
460. A widow or an invalid widower cannot receive less than \$250; where there is one child, the minimum amount to the surviving parent is \$250 plus the allowance the child is entitled to; where there are two or more children \$250 plus any amounts payable for the two oldest children.
461. Where the dependants are orphaned children, the monthly payment for each child under the age of 16 has been increased from \$70 to \$80 and from \$80 to \$90 when education is being continued.
462. The monthly allowance granted to a workman's mother who was wholly dependent upon his earnings has been increased to \$250 from \$150.
463. Where a worker dies after December 31, 1973, the compensation to a widow or an invalid widower is to be the greater of a monthly allowance equal to the permanent total disability pension the workman would have been entitled to, if he had lived, or the compensation provided for deaths occurring before January 1, 1974 as mentioned above.
464. Where a workman who dies after December 31, 1973 leaves no surviving dependent spouse or where the dependent widow or invalid widower receiving compensation dies, other dependants' allowances are calculated according to the provisions of the Act which deal with deaths occurring before January 1, 1974.
465. Under its new Workers' Compensation Act Saskatchewan has changed most provisions dealing with compensation to dependants in case of death.

- 466. The necessary funeral expenses have been increased from \$300 to \$400.
- 467. Benefits to a surviving dependent spouse was increased by 105% from \$133.90 to \$275 per month. Dependent spouses are entitled to benefits whether widow or widower. The monthly allowance received by a surviving spouse in respect of a child under 16, has been increased from \$52.50 to \$65 per month.
- 468. Where the only dependants are children under 16 they now receive an allowance of \$80 per month compared to \$68.25 previously.
- 469. The lump sum given in the case of death to a surviving spouse, or where the worker leaves no surviving spouse, to a foster parent is now of \$500. This is an increase of \$100.
- 470. Where a worker leaves no dependent spouse, a common-law spouse is entitled to compensation provided that they have cohabited for a period of two years preceding the death of the worker. Formerly the requirement was five years or three when a child was born.
- 471. Effective July 1, 1974, monthly payments to a dependent widow or widower in Ontario have been increased from \$250 to \$260 per month.
- 472. Amendments to the Prince Edward Island Act have increased the monthly allowance to dependent widows or invalid widowers from \$100 to \$150 and the additional payment on each child under 16 was increased from \$30 to \$40. This takes effect on April 1, 1974.
- 473. Where the dependants are children, the monthly payment is now of \$50 compared to \$40 previously.
- 474. The revised Northwest Territories Ordinance includes some changes dealing with the payment of benefits to dependants.
- 475. The funeral maximum expenses have been increased from \$300 to \$500. Necessary expenses are allowed for the transportation of the body within the limits of the Territories.
- 476. Where the accident occurred after September 30, 1974, the lump sum payable to a dependent widow or dependent widower is increased to \$500 from \$300.

477. In the case of deaths occurring after September 30, 1974, a dependent widow or widower is entitled to a monthly payment of \$250. An additional amount of \$70 per month is paid for children under 16 or for so long as, in the opinion of the Board, it might reasonably have been expected that had the worker lived, he would have continued to contribute to the support of the child. Monthly payments made in respect of an invalid child of any age have also been increased to \$70.
478. Orphan children are receiving the same allowances as children with a parent. However, children under 16, or attending school and invalid children of any age are entitled, in the discretion of the Board, to an additional amount of \$10 per month.
479. A dependent common-law husband and a foster father are now entitled to receive compensation in the same manner as a common-law wife or a foster mother.
480. The age limit of 21 for compensation to children attending school has been lifted. Now a child who makes progress at any school satisfactory to the Board may receive payments until he is granted a University degree for the first time or completes a course in technical or vocational training.

Marriage of Widow

481. The lump sum a dependent widow is entitled to receive because of marriage has been fixed to \$3,600 in Manitoba, previously she was entitled to a sum equal to the payments for two years.
482. In Northwest Territories the lump sum has been increased from \$1,500 to \$2,500 and a dependent widower, a common-law wife or common-law husband receiving compensation are also entitled to the payment.
483. The lump sum is equal to the payments for two years in British Columbia and Saskatchewan; the maximum amounts of \$2,500 and \$2,000 respectively were lifted.

Disability Benefits

494. Seven jurisdictions have changed their legislation concerning disability benefits. The minimum compensation for permanent total and temporary total disability was increased; as outlined below:

	<u>Permanent Total</u>	<u>Temporary Total</u>
British Columbia	\$341.01 per month (formerly \$281)	\$78.69 per week' (formerly \$42.85)
Manitoba	\$250 per month' (formerly \$175)	\$250 per month' (formerly \$40 per week)
Ontario	\$260 per month (formerly \$250)	\$55 per week' (no change)
Prince Edward Island	\$45 per week' (formerly \$25)	\$45 per week' (formerly \$25)
Saskatchewan	\$75 per week (formerly \$40)	\$75 per week' (formerly \$40)
Northwest Territories	\$55 per week' (formerly \$40)	\$55 per week' (formerly \$40)
Federal (Merchant Seamen)	\$45 per week' (formerly \$35)	\$45 per week' (formerly \$35)

485. For temporary partial or permanent partial disability, workers receive a corresponding amount in proportion to the impairment or the diminution of earning capacity.
486. Effective July 1, 1974 an amendment to the Ontario Act provides that the total disability pension cannot be less than what would have been payable to dependants if the worker had died from the injury.
487. To keep in line with the economy, three provinces, Manitoba, Ontario and Saskatchewan have made provisions in their Act to upgrade disability pensions awarded in past years.
488. In Ontario full benefits to partially disabled workmen who are unable to find suitable employment will now continue as long as the workman is attempting to find employment or accepting training which the Board may deem advisable.

'or earnings, if less.

489. The Northwest Territories Ordinance provides that a worker who is entitled to compensation because of an accident that causes temporary partial disability and who returns to suitable employment must be paid 75% of his loss of earnings for so long as the disability lasts. The ceiling on average earnings does not apply in this case but the amount cannot exceed the compensation the worker would have received for total temporary disability.
490. A new method of calculating permanent total disability pensions was introduced in Saskatchewan. Formerly the "average wage" used as the base was the injured worker's weekly wage as averaged over the twelve months prior to the injury. From now on, the greater of either that figure or the employee's actual wage at the time of the accident is to be used.

Review of Benefits

491. The Northwest Territories Workers' Compensation Board is to review the provisions of the Ordinance respecting the amounts payable as compensation. It will lay before the Council, starting at the first session in 1976 and every two years thereafter, a report setting forth its opinion as to whether the amounts payable as compensation are adequate considering the economic circumstances in the Territories at that time. The report will also contain the recommendations of the Board concerning the amounts payable.
492. In British Columbia the provision tying compensation to the Consumer Price Index has been amended. It is now adjusted half-yearly starting July 1, 1974 and covers all payments made under the Act.

Principles Regarding the Determination of Claims

493. The Workers' Compensation Board of Saskatchewan is to provide reasons in writing for its decisions regarding cases in which it is unable to determine an issue in favour of the claimant.
494. Subject to other provisions of the Act, the Board is not to reject the claim of a worker for compensation or reduce the amount of compensation to him, by reason of a physical condition of the worker that was existing at the time of the injury if the condition had not prior to that injury resulted in any physical disability to the worker and had not affected his ability to do his work.

495. Where a worker suffers an injury for which permanent disability compensation is payable and the worker was, at or about the time of the injury, undergoing training or instruction of a kind satisfactory to the Board, the Board may review the amount of compensation payable to the worker and may increase the compensation to an amount that fairly represents what the Board estimates the worker would have been earning upon the completion of the training or instruction.

Workers' Advocate

496. The Government of Saskatchewan recognizing the need for an effective appeal mechanism from the decisions of the Workers' Compensation Board, appointed a Workers' Advocate.
497. The Workers' Advocate has the authority to receive complaints, examine Board files and otherwise assist an injured worker or his dependants in obtaining compensation from the Board. However, he may decline to provide his services in respect of any claim where he is of the opinion that the claimant does not have grounds for the compensation sought or has failed to pursue his claim for an undue length of time having regard to the circumstances of the case.

General

498. Where compensation is payable under Part I of the British Columbia Act as the result of the death of a worker, the Board may make provisions and expenditures for the training or retraining of a surviving dependent spouse. This applies from July 1, 1974 whether the death occurred before or after that date.
499. The Saskatchewan Board may make such expenditures as it considers necessary to encourage dependent spouses of deceased workers to become self-sufficient.
500. An Act to amend the Police Act in Ontario provides that the Lieutenant-Governor-in-Council may grant pecuniary aid or other assistance to immediate dependants of members of the Ontario Police Force who die in the course of duty. This came into force December 10, 1974.
501. Effective January 1, 1974, the Lieutenant-Governor-in-Council in Manitoba may appoint persons, including representatives of employers and workers, to a committee to advise the Minister of Labour on matters relating to compensation or any other matter under the Act.

DISPOSITION OF BILLS

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading each bill is referred to a committee to undergo detailed study and possibly amendment. Committees can be of three main kinds: standing committees, special or sessional committees, and committees of the whole House.

After third reading and adoption, a bill then must receive Royal Assent. The law is then effective or functional in whole or in part, according to the "date in force" ascribed to it. This date may be indeterminate.

An index of bills introduced or passed during the period starting July 1, 1974 and ending December 31, 1974 is attached to this report. The date of disposition of bills is mentioned unless the information was not available (N.A.) at the time the index was prepared.

Index of Bills - July 1, 1974 - December 31, 1974

Legislature	Bill No.	Title	Disposition
Federal		<u>Government Bills</u>	
	C-2	Combines Investigation Act	2nd reading 28/10/74
	C-4	An Act to amend the War Veterans Allowance Act & The Civilian War Pensions & Allowances Act	Royal Assent 27/11/74
	C-1	An Act to establish a Canada Manpower & Immigration Council	1st reading 02/10/74
	C-1	An Act to establish a national petroleum company	1st reading 03/10/74
	C-11	An Act to provide for the resumption of grain handling operations on the west coast of Canada	Royal Assent 10/10/74
	C-16	An Act to amend certain statutes to provide equality of status thereunder for male and female persons	1st reading 08/10/74
	C-18	An Act to protect human health and the environment from substances that contaminate the environment	2nd reading 19/11/74
	S-17	An Act to amend the Explosives Act	Royal Assent 21/11/74
		<u>Private Members' Bills</u>	
	C-202	An Act to amend the Canada Pension Plan (housewives' contributions and benefits)	1st reading 15/10/74
	C-204	An Act to establish the Office of Ombudsman	1st reading 15/10/74
	C-208	An Act respecting Heritage Day	1st reading 15/10/74

Legislature	Bill No.	Title	Disposition
Federal (Cont'd)	C-212	An Act to amend the Unemployment Insurance Act, 1971	1st reading 15/10/74
	C-231	An Act to amend the Holidays Act	1st reading 15/10/74
	C-236	An Act to amend the Unemployment Insurance Act	1st reading 15/10/74
	C-237	An Act to amend the Canada Labour Code (fair employment practices)	1st reading 15/10/74
	C-240	An Act respecting Sir John A. Macdonald Day	1st reading 15/10/74
	C-243	An Act to amend the Canada Pension Plan	1st reading 15/10/74
	C-247	An Act respecting noise in factories	1st reading 15/10/74
	C-249	An Act to amend the Canada Labour Code (provision for ten general holidays with pay)	1st reading 15/10/74
	C-256	An Act to amend the Canada Labour Code (increased minimum hourly wage)	1st reading 15/10/74
	C-265	An Act to amend the Canada Pension Plan	1st reading 15/10/74
	C-267	An Act respecting employment with the Government of Canada not covered by the Public Service Employment Act	1st reading 15/10/74
	C-274	An Act to amend the Public Service Employment Act	1st reading 15/10/74
	C-280	An Act to amend the Canada Labour Code	1st reading 15/10/74
	C-295	An Act to amend the Canada Labour Code (age or sex discrimination)	1st reading 15/10/74

Legislature	Bill No.	Title	Disposition
Federal (Cont'd)	C-300	An Act to amend the Public Service Employment Act	1st reading 15/10/74
	C-307	An Act to amend the Canada Elections Act (leave of absence)	1st reading 15/10/74
	C-308	An Act to amend the Canada Labour Code	1st reading 15/10/74
	C-311	An Act to amend the Canadian Citizenship Act (time off without loss of pay for appearance in Citizenship Court)	1st reading 15/10/74
	C-320	An Act to amend the Holidays Act	1st reading 15/10/74
	C-325	An Act to amend the Pension Benefits Standards Act	1st reading 15/10/74
	C-326	An Act to amend the Public Service Employment Act (discrimination as to age or physical handicap or health)	1st reading 15/10/74
	C-330	An Act to establish the Office of Parliamentary Commissioner	1st reading 15/10/74
	C-335	An Act proclaiming the Canadian Flag Day a national holiday	1st reading 15/10/74
	C-340	An Act to amend the Unemployment Insurance Act, 1971	1st reading 15/10/74
	C-354	An Act to amend the Canada Labour Code (discrimination as to age or physical handicap or health)	1st reading 15/10/74
	C-343	An Act to amend the Canada Labour Code (three weeks annual vacation)	1st reading 15/10/74
	C-350	An Act to amend the Canada Labour Code (three weeks annual vacation after three years)	1st reading 15/10/74

Legislature	Bill No.	Title	Disposition
Federal (Cont'd)	C-357	An Act to amend the Public Service Staff Relations Act	1st reading 15/10/74
Alberta		<u>Government Bills</u>	
	52	The Alberta Labour Amendment Act	Royal Assent 06/06/74
		<u>Private Members' Bills</u>	
	81	The Boilers and Pressure Vessels Act, 1974	1st reading 01/11/74
British Columbia		<u>Government Bills</u>	
	162	Statute Law Amendment Act, 1974	Royal Assent 20/06/74
	164	Essential Service Continuation Act	Royal Assent 09/08/74
	168	Elevator Construction Labour Disputes Act	Royal Assent 26/11/74
	173	Public Schools Interim Arbitration Procedure Act	Royal Assent 26/11/74
	119	Workmen's Compensation Amendment Act, 1974	Proclaimed (in part) 25/06/74
		<u>Private Members' Bills</u>	
	67	An Act to amend the Labour Code of British Columbia	1st reading 06/05/74
Manitoba		<u>Government Bills</u>	
	7	An Act to amend the Civil Service Act	3rd reading 10/06/74
	90	The Human Rights Act	Royal Assent 14/06/74
	44	An Act to amend the Workmen's Compensation Act	Royal Assent 14/06/74

Legislature	Bill No.	Title	Disposition
New Brunswick		<u>Government Bills</u>	
	18	An Act to amend the Human Rights Act	Royal Assent 16/04/74
	57	An Act to amend the Minimum Employment Standards Act	Royal Assent 22/05/74
	44	The Closing of Retail Establishments Act	Proclaimed 16/09/74
	70	An Act to amend the Public Service Labour Relations Act	Royal Assent 31/05/74
Newfoundland		<u>Government Bills</u>	
	115	An Act further to amend the Attachment of Wages Act	N.A.
	117	An Act further to amend the Emergency Measures Act	N.A.
	61	The Public Service (Collective Bargaining) (Amendment) Act, 1974	N.A.
	50	An Act respecting the Newfoundland Teachers' Association	N.A.
	58	The Barbers and Hairdressers Shop Closing (Amendment) Act, 1974	N.A.
	88	An Act further to amend the Hours of Work Act	N.A.
	125	An Act further to amend the Newfoundland Human Rights Code	N.A.
	129	An Act further to amend the Labour Relations Act	Proclaimed 01/01/75
Nova Scotia		<u>Government Bills</u>	
	63	An Act respecting Collective Bargaining for Teachers	Royal Assent 27/11/74

Legislature	Bill No.	Title	Disposition
Nova Scotia (Cont'd)	71	An Act to amend the Labour Standards Code	Royal Assent 28/06/74
	99	An Act to amend the Ombudsman Act	Royal Assent 27/11/74
	117	An Act to amend Chapter 172 of the Revised Statutes, 1967, the Lord's Day (Nova Scotia) Act	Royal Assent 27/11/74
	134	An Act to amend the Human Rights Act	Royal Assent 27/11/74
		<u>Private Members' Bills</u>	
	64	An Act to amend Chapter 109 of the Acts of 1968: the Teachers Profession Act	Royal Assent 27/11/74
	36	An Act to amend the Labour Standards Code	1st reading 06/06/74
	132	An Act to amend Chapter 10 of the Acts of 1972, the Labour Standards Code	2nd reading 19/11/74
		<u>Government Bills</u>	
	9	An Act to amend the Ontario Human Rights Code	Royal Assent 02/12/74
Ontario	62	An Act to provide for an Ontario Building Code	Royal Assent 02/12/74
	119	An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2	Royal Assent 31/08/74
	163	An Act to amend the Industrial Safety Act, 1971	Royal Assent 10/12/74
	179	An Act to amend the Crown Employees Collective Bargaining Act, 1972	1st reading 12/12/74

Legislature	Bill No.	Title	Disposition
Ontario (Cont'd)	116	An Act to amend the Workmen's Compensation Act	Royal Assent 28/06/74
	134	The Employment Standards Act, 1974	Royal Assent 20/12/74
	166	An Act to amend the Fire Departments Act	Royal Assent 10/12/74
	167	An Act to amend the Police Act	Royal Assent 10/12/74
		<u>Private Members' Bills</u>	
	122	An Act to amend the Employment Standards Act	1st reading 22/10/74
	171	An Act to provide for the Protection of Wages in Bankruptcy or Receivership	1st reading 05/12/74
	184	An Act to amend the Ontario Human Rights Code	1st reading 19/12/74
Prince Edward Island		<u>Government Bills</u>	
	87	An Act to amend the Age of Majority Act	1st reading 06/11/74
	16	An Act to amend the Elevators and Lifts Act	Royal Assent 12/06/74
	5	An Act to amend the Workmen's Compensation Act	Royal Assent 12/06/74
Québec		<u>Government Bills</u>	
	49	Construction Industry Complementary Social Benefits Plans Act	1st reading 29/10/74
	50	An Act respecting human rights and freedoms	2nd reading 14/11/74
	95	An Act respecting collective bargaining in the sectors of education, social affairs and government agencies	Royal Assent 24/12/74

Legislature	Bill No.	Title	Disposition
Québec (Cont'd)	201	An Act to amend the Construction Industry Labour Relations Act	Royal Assent 24/12/74
	24	An Act to amend the Labour Code and other legislative provinces	1st reading 12/07/74
	43	An Act respecting the placing of the "International Union of Elevator Constructors, locals 89 and 101" under trusteeship	Royal Assent 17/07/74
		<u>Private Members' Bill</u>	
	99	An Act to amend the Labour Code	1st reading 07/05/74
Saskatchewan		<u>Government Bills</u>	
	77	An Act to amend the Teachers Collective Bargaining Act	Royal Assent 10/05/74
	4	An Act to amend the Ombudsman Act, 1972	1st reading 05/12/74
	80	The Workers' Compensation Act, 1974	Royal Assent 10/05/74
	44	An Act to amend the Labour Standards Act, 1969	Royal Assent 28/03/74
		<u>Private Members' Bills</u>	
	21	An Act to amend the Engineering Profession Act	1st reading 09/12/74
Northwest Territories		<u>Government Bills</u>	
	9	Safety Ordinance (New)	Royal Assent 28/06/74
	11	Workers' Compensation Ordinance (Revision)	Royal Assent 28/06/74
	6	Labour Standards Ordinance (Amendment)	Royal Assent 08/02/74

Legislature	Bill No.	Title	Disposition
Yukon		<u>Government Bills</u>	
	7	Ordinance to amend the School Ordinance	Royal Assent 27/06/74
	8	Ordinance to amend the Public Service Staff Relations Ordinance	Royal Assent 13/05/74
	17	Ordinance to amend the Fair Practices Ordinance	Royal Assent 26/04/74
	18	Ordinance to amend the Mining Safety Ordinance	Royal Assent 26/04/74
	22	Ordinance to amend the Labour Standards Ordinance	Royal Assent 13/05/74

N.A.: Information not available.

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LEGISLATIVE REVIEW

NUMBER 5
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Au service des Canadiens depuis 75 ans

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NUMBER 5
JUNE 30, 1975

CANADA DEPARTMENT OF LABOUR
LEGISLATIVE RESEARCH BRANCH

Hon. John Munro, Minister
T.M. Eberlee, Deputy Minister

Foreword

The Legislative Review is a series of reports covering pertinent labour legislation enacted by the federal, provincial and territorial jurisdictions. Issue No. 5 covers the legislative year from July 1, 1974 to June 30, 1975. This publication sets out the provisions enacted in the areas of apprenticeship and tradesmen's qualifications, employment standards, human rights, industrial relations, industrial safety and health, and workmen's compensation.

The purpose of the publication is to inform the public in general of amendments to existing legislation and any new legislation and regulations that may affect its working life.

The present issue is co-authored by Michel Gauvin, Bill Langford, Nicole Marchand, Cal McKerral and Allan Nodwell.

Ms. Nicole Kean,
Acting Director,
Legislative Research.

DEVELOPMENTS IN THE ENACTMENT AND
ADMINISTRATION OF LABOUR LAWS
IN CANADA

July 1974 - June 1975*

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I. APPRENTICESHIP AND TRADESMEN'S QUALIFICATIONS

1. Over the past year several jurisdictions made changes in regulations governing apprenticeship and tradesmen's qualifications. The changes consisted of the designation of new trades, the removal of designation of other trades and the establishment of new guidelines for training in others.
2. Alberta added the trade of "cabinet maker" to the list of designated trades to which the Apprenticeship Act applies.
3. Also, Alberta set out a new training program for agricultural mechanics. The apprenticeship program consists of four levels and totals 7,200 hours in on-the-job training in the trade plus 960 hours spent in technical training.
4. The period may be reduced at the discretion of the Apprenticeship Board if the candidate has had previous experience in the trade or has specialized in technical training at a vocational or technical school.
5. On the job, one apprentice may be employed for each journeyman employed. The director of apprenticeship may, however, vary this ratio.
6. Even though a person has not served a period of apprenticeship, that person may write the examinations if he or she is competent in the trade and has not less than 7,200 hours experience in the trade.
7. The apprentice may be paid 60%, 70%, 80%, and 90% of the wages of a journeyman, respectively, during the four training levels. The wage cannot in any case be below the prevailing minimum wage.
8. Training regulations were passed for the trade of "Instrument Mechanic".
9. An instrument mechanic is one engaged in the maintenance, service, repair, calibration and installation of measuring and control instruments used in process industries.
10. An apprentice must serve four terms of 12 months each. Each term must consist of not less than 1,800 hours made up of time spent in training on the job and attending technical courses prescribed by the Board.
11. Previous experience may result in the term of apprenticeship being reduced. Specified examinations must be passed.
12. A training program was also adopted for the trade of "Water Well Driller".
13. The period of apprenticeship is made up of three levels.

14. The first level consists of a basic course of technical training; the second level consists of 2,400 hours spent in on-the-job training and a senior course in technical training; the third level consists of 1,200 hours of on-the-job training.
15. Previous experience may result in the training period being reduced.
16. A "certificate of progress" stamp must be entered into the Apprentice Record Book before the apprentice is allowed to advance to a new level.
17. An apprentice may become a journeyman and issued a certificate of qualification by completing training and examinations and having been given a certificate of completion.
18. A person who has not served an apprenticeship but proves that he is competent and skilled in the trade, and has had at least 3,600 hours of experience, may take an examination set by the director.
19. In British Columbia, as of January 1, 1975, all persons engaged in the trades of plumbing, steamfitting, pipefitting and sprinkler fitting are required to hold a current certificate of proficiency in respect of that trade and may not engage in the above trades unless this requirement is complied with.
20. This new regulation does not apply to registered apprentices, persons employed during a probationary period and those under a current contract of apprenticeship or certificate of apprenticeship. Also exempt are holders of a current certificate of proficiency or those on probationary apprenticeship contracts.
21. A new regulation sets out wage rates for apprentices as a percentage of those of journeymen.
22. The rates are graduated according to whether the apprenticeship period consists of two, three, four, or five years.
23. In all cases the low is 50% and the high is 90% of a journeyman's rates.
24. A significant number of changes in the apprenticeship field were made in Manitoba. Included are such matters as qualifications for admission to an apprenticeship program, duties of employers and apprentices' probationary status, minimum wage rates, hours of work, ratio of apprentices to journeymen, requirements for certification, examinations, certificates in non-designated trades, re-examination and fees for examinations and certificates.
25. The training program and other rules pertinent to the heavy equipment mechanics trade were changed.
26. To enter the trade a candidate must have completed grade nine or its equivalent.

27. The training program consists of four years of training and instruction of at least 1,800 hours per year. This rule may be altered in view of a candidate's previous study or training.
28. The apprentice must be paid the minimum wage plus 15%, 35%, 55% and 75% respectively, during each year of the program.
29. A holder of a certificate in the trade of motor vehicle mechanic may qualify for examinations as a heavy duty equipment mechanic by either completing the final two years of the program (at least 1,800 hours per year) or by submitting written proof that he has had at least two years' experience in the latter trade.
30. Also changed are the rules pertaining to the training of glaziers. A candidate must be at least 16 years of age and must have completed grade nine or its equivalent.
31. An apprentice glazier (while not attending courses) must be paid at least 60%, of the prevailing wages of a journeyman during the first six months of the program. This rate increases by 5% for each of the seven remaining six-month periods.
32. At no time can an apprentice's wages be less than the minimum wage plus 10% and shall be increased by at least 10% each succeeding year.
33. Overtime rates must be adjusted on the same basis as wages of a journeyman working in the same area for the same employer.
34. Where an applicant for a certificate in the trade, who has not completed an apprenticeship in Manitoba, supplies proof that he has been engaged in the trade for a period of time exceeding the apprenticeship period by not less than one year during the ten-year period immediately prior to making the application, he is eligible to take such examinations as the Director may require.
35. Regulations were also changed for the trade of industrial welder. A person may become an apprentice industrial welder only if he is at least 16 years of age and has completed grade nine or its equivalent. The Director may vary the educational requirements for individuals.
36. The training program consists of three calendar years of training and instruction of at least 1,600 hours each year.
37. An apprentice industrial welder must be paid at least the provincial minimum wage plus 10%, 20%, 30%, 40%, 50% and 60%, respectively, during the six-month periods of training.
38. Overtime rates for an apprentice must be adjusted on the same basis as overtime wages of journeymen working in the same area for the same employer.

39. As with other trades, the rules for allowing examinations to be written by a candidate for an industrial welder's certificate may vary from case to case as the director sees fit.
40. The training program for machinists has been changed.
41. A person may become an apprentice only if he is at least 16 years old and has the equivalent of a grade nine education.
42. Apprentice machinists must undergo four years of training and instruction of at least 1,800 hours per year.
43. The wages of an apprentice machinist must be at least the provincial minimum wage plus 15%, 35%, 55% and 75%, respectively, during each of the four years of the program.
44. The overtime wage rates of an apprentice must be adjusted on the same basis as those of a journeyman working for the same employer in the same area.
45. A candidate for the trade who has not completed the apprenticeship program may be allowed to take the examinations if he has been engaged in the trade for the length of the apprenticeship program plus at least one year during the ten years prior to the time of application.
46. New regulations for the trade of industrial electrician were passed.
47. A person may be an apprentice in the trade if he is at least 16 years of age and has passed specified math and science courses. The director of apprenticeship may vary course requirements in particular cases as he sees fit.
48. The program for becoming an industrial electrician consists of four years of at least 1,600 hours each year. As with other trades, any previous training or study is to be considered in setting up a program for an applicant.
49. An apprentice industrial electrician must be paid at least the provincial minimum wage plus 10%, 20%, 30%, 40%, 50%, 60%, 70% and 80%, respectively, during each of the eight six-month periods of the program.
50. Where an applicant for a certificate in the trade has not completed the apprenticeship program or does not hold a certificate bearing the Interprovincial Standards Seal, the applicant may write exams if he has been engaged in the trade for the length of the apprenticeship program plus at least two years during the ten-year period prior to making application.
51. New regulations applicable to the steamfitter trade state that a person must be 16 years or older to qualify as an apprentice and must have completed certain math and science courses. The director may vary the educational requirements in particular cases.

52. The apprenticeship term consists of five calendar years of training and instruction of at least 1,800 hours per year. Previous training shall be considered when establishing a program for an individual.
53. An apprentice (while not attending technical courses) must be paid wages at not less than 50%, 55%, 60%, 70% and 80%, respectively, of the prevailing wages of a journeyman during each of the five years of the training program.
54. In any case, an apprentice's wages must not be below the prevailing provincial minimum wage plus 10% during the first year and must increase by at least 10% each succeeding year.
55. Overtime wages for an apprentice must be adjusted on the same basis as those of journeymen working for the same employer in the same area.
56. Where an applicant has not completed the apprenticeship program or does not hold a certificate bearing an Interprovincial Standards Seal, he may write the exams if he has been engaged in the trade for at least one year longer than the apprenticeship program in the ten-year period prior to application.
57. A holder of a certificate of qualification in the plumbing trade may qualify for the examinations in the steamfitter trade if he shows that he has been engaged in the trade of steamfitter for at least three years.
58. Revised regulations also apply in the trade of bricklayer.
59. A person must be at least 16 years of age and have completed the equivalent of grade nine education.
60. The training program consists of four years of training and instruction of at least 1,200 hours per year.
61. An apprentice (while not attending technical courses) must be paid at not less than 60%, 70%, 80% and 90%, respectively, of the prevailing wages of a journeyman during each of the four years of the program.
62. An applicant who has not completed an apprenticeship program or does not hold a certificate bearing the Interprovincial Standards Seal may be permitted to write the examinations if he has been in the trade for one year longer than the apprenticeship program during the ten years prior to having applied to write the exams.
63. A candidate for the trade of carpenter must undergo a period of training and instruction of at least 1,800 hours for each of four years. Previous experience can vary an individual's program.
64. An apprentice must be paid not less than 60% and 70%, respectively, for the first and second six-month periods of the prevailing wages of a journeyman. During the second, third and fourth years, the rates are 75%, 80% and 90% of the prevailing journeyman rates.

65. In any case, the rates of wages for an apprentice cannot be less than the provincial minimum wage plus 10%, and must be increased by at least 10% yearly.
66. An applicant for a certificate who has not completed an apprenticeship program or who does not hold a certificate bearing an Interprovincial Standards Seal may write the exams after proving that he has been engaged in the trade of carpenter for a period of one year longer than the apprenticeship program.
67. In the trade of construction electrician, a candidate for apprenticeship must be at least 16 years of age and must have completed certain math and science courses or their equivalents.
68. The program of training and instruction consists of four years of at least 1,800 hours each year.
69. Previous experience can alter the time of an individual program.
70. An apprentice must be paid at least 40%, 50%, 65%, and 80%, respectively, during the four years of the apprenticeship period of the prevailing wages of a journeyman.
71. Wages cannot be, however, less than the provincial minimum wage plus 10% during the first year and must be increased by at least 10% each succeeding year.
72. Rates for overtime hours must be adjusted on the same basis as overtime rates for journeymen working in the same area for the same employer.
73. A new regulation states that the period of apprenticeship for the lather trade is four years of at least 1,600 hours each year.
74. Wage rates for an apprentice lather as compared to the prevailing wages of a journeyman are 50% the first six months, 60% for the second six months and then increasing by 5% each succeeding six-month period.
75. In any case, the wage cannot be less than the provincial minimum wage plus 10% for the first year and must increase by at least 10% each succeeding year.
76. Apprentice plumbers must be at least 16 years of age and have certain math and science credits or their equivalents.
77. The term of training and instruction for plumbers is five calendar years of at least 1,800 hours each year.
78. An apprentice (while not attending technical courses) must be paid at not less than 50%, 55%, 60%, 70% and 80% of the prevailing wages of a journeyman, respectively, during each of the five years of the program.

79. During the first year the wage must be at least the prevailing minimum wage plus 10% and must increase by at least 10% each succeeding year.
80. Overtime rates for apprentices must be adjusted on the same basis as overtime rates for journeymen working for the same employer in the same area.
81. An applicant for a certificate in the trade who has not completed an apprenticeship program or does not hold an Interprovincial Standards Certificate may be allowed to write the exams if he has been engaged in the trade for at least one year longer than the apprenticeship program.
82. A holder of a certificate in the trade of steamfitter may qualify for the examinations for plumbers if he has been engaged in the plumbing trade for at least three years.
83. New regulations require that candidates for apprenticeship in the trade of sheet metal worker be at least 16 years of age and have a high school standing in certain math and science courses. Equivalent courses may be accepted.
84. An apprentice sheet metal worker must undergo a period of training and instruction of four years of at least 1,800 hours each year.
85. Previous training can alter the time to be served as an apprentice.
86. Wage rates for an apprentice, while not attending technical courses, are 50% and 55% of the rates for a journeyman during the first two six-month periods, respectively, and then 65%, 75% and 85% for the succeeding three years.
87. In any case, the rates cannot be less than the prevailing minimum wage plus 10% during the first year and must be increased by at least 10% per year.
88. Overtime rates for an apprentice must be adjusted on the same basis as those for a journeyman working for the same employer in the same area.
89. Where an applicant for a certificate in the trade has not completed an apprenticeship program or does not hold a certificate with an Interprovincial Standards Seal, he may still be allowed to write the exams if he has been engaged in the trade for a period of at least one year in excess of the apprenticeship period during the ten years immediately prior to making application.
90. Apprentice air-conditioning mechanics must be at least 16 years of age and have a high school standing in prescribed math and science courses or equivalents.
91. An apprentice air-conditioning mechanic must undergo a term of training and instruction of four calendar years of at least 1,800 hours each year

92. An apprentice employed in a shop where a collective agreement is in force must be paid at least 50%, 60%, 70% and 80% of the prevailing rates of a journeyman during the four years of the program, respectively (while not attending courses).
93. If there is no collective agreement in force in the shop, the rates are at least the minimum wage plus 15%, 35%, 55% and 75%, respectively, during the four years.
94. In the trade of boilermaker, an apprentice must be at least 16 years of age and have a grade nine education or its equivalent.
95. The training program for apprentice boilermakers consists of four years of training and instruction of at least 1,500 hours per year.
96. Where no collective labour agreement is in force, the wage rate for an apprentice must be not less than the provincial minimum wage plus 15%, 35%, 55% and 75%, respectively, during the four years of the program.
97. Where a collective agreement is in force, the wages as provided for apply.
98. For a 12-month period after the regulation came into force (i.e., up to December 5, 1975), an applicant who has had at least six years' experience in the trade during the ten-year period immediately prior to making application may be issued a certificate without examination.
99. As with other trades, the examinations may be written if the applicant has worked in the trade for at least one year in excess of the length of the apprenticeship program during the ten years immediately prior to application, even though the applicant has not undergone the program and does not hold a certificate with the Interprovincial Standards Seal.
100. Regulations have now been established to govern the newly designated (May 1974) trade of miner.
101. An apprentice miner must be at least 18 years of age and have completed grade nine. Persons with lower educational qualifications may be accepted at the discretion of the director.
102. The program of training and instruction consists of three calendar years of at least 1,600 hours per year. Previous study and experience can alter the requirements.
103. An apprentice miner must be paid at least the provincial minimum wage plus 35%, 55% and 75% over the three years of the program. A collective agreement can, however, specify higher wages.
104. For a 12-month period after the regulation is in force (i.e., up until December 4, 1975), an applicant for a certificate may be exempted from writing the exams if he has worked at the trade four years during the ten years immediately prior to having applied.

105. Also, an applicant who has not completed the apprenticeship program but has worked in the trade for at least one year longer than the apprenticeship period during the previous ten years may write such exams as the director may require.
106. A regulation respecting the Industrial Instrument Mechanic Trade replaces that regarding the Industrial Instrumentation Trade.
107. An Industrial Instrument Mechanic is one who maintains, calibrates and installs measuring and control components and accessories used in process industries.
108. A person may become an apprentice in the trade only if he is at least 18 years of age and has passed specified high school math and science courses. The director of apprenticeship may make exceptions, however, where equivalent qualifications are held by the candidate.
109. The period of apprenticeship is four years, with not less than 1,600 hours of training and instruction in each year.
110. Unless otherwise prescribed by a collective labour agreement that is more favourable to the apprentice, the rate of wages for an apprentice (while not attending technical courses) shall not be less than:
 - (a) the provincial minimum wage plus 10% during the first six months;
 - (b) the provincial minimum wage plus 20% during the second six months;
 - (c) the provincial minimum wage plus 30% during the third six months;
 - (d) the provincial minimum wage plus 40% during the fourth six months;
 - (e) the provincial minimum wage plus 50% during the fifth six months;
 - (f) the provincial minimum wage plus 60% during the sixth six months;
 - (g) the provincial minimum wage plus 70% during the seventh six months;
 - (h) the provincial minimum wage plus 80% during the eighth six months.
111. Overtime wages for apprentices must be adjusted on the same basis as for journeymen working for the same employer in the same area.
112. Prescribed examinations must be passed.

113. Where an applicant for certification in the trade has not trained in Manitoba or does not hold a certificate bearing the Interprovincial Standards Seal proves that he has been engaged in the trade for at least two years longer than the apprenticeship period, he may be allowed to take such examinations as the director may require.
114. A training program was adopted for the Industrial Mechanic trade.
115. An industrial mechanic is a skilled worker who installs, repairs, improves or maintains equipment used in commercial or industrial establishments.
116. A person may become an apprentice in the trade only if he is at least 16 years of age and has completed grade nine or its equivalent.
117. The training program consists of three calendar years of training and instruction of at least 1,600 hours each year.
118. Previous training and experience may result in the length of the program being reduced.
119. The wage rates for an apprentice in the trade are: the provincial minimum wage plus 30% during the first six months and increasing by 10% each succeeding six months (unless more favourable rates prevail in a collective agreement).
120. A candidate for a certificate in the trade who has not trained in Manitoba or does not hold a certificate bearing the Interprovincial Standards Seal may write the examinations upon having proved that he has been engaged in the trade for at least two years in excess of the apprenticeship period during the ten years immediately prior to application. A required fee must also be paid.
121. In New Brunswick, a training program was established for the "electrical (marine) trade".*
122. The trade has to do with installation and maintenance of electrical wiring or equipment or fixtures aboard ships, but specifically excludes the rewinding of motors, repair of radio and other electronic equipment and commercial production of electricity.
123. In order to be a candidate for a certificate of qualification, a person must have had the equivalent of five years of practical experience in the trade. Prescribed examinations must be passed.

*The Legislative Review, Number 4 reported that the electrical (marine) trade was newly designated. (This was incorrect.)

124. As of June 20, 1974, the trades of "bricklaying and plastering",* coppersmith, and pulp and paper technology had their designations as being appropriate for apprenticeship and the issuing of certificates of qualification rescinded.
125. The training program for the Powderman trade has been replaced.
126. The new program includes the various phases of the use of explosives.
127. Certification can be given on various levels depending upon the type and extent of blasting an apprentice is trained for.
128. Four separate categories are outlined (F, G, D and B).
129. In the Yukon, the Adult Occupational Training Agreements Ordinance was repealed.
130. This ordinance empowered the Commissioner to enter into occupational training agreements with the Minister of Manpower and Immigration.
131. A new ordinance empowers the Commissioner to establish occupational training programs and enter into an agreement with the federal Government or with any organization, corporation or person in order to provide programs or other services for the development of occupational skills or the improvement of the labour force.
132. The Commissioner is also empowered to establish advisory, administrative or appellate boards in connection with programs, policies, services or other matters.
133. Regulations may be made under the ordinance for the carrying out of programs, policies, services, etc.

*The Legislative Review, Number 4 reported that the trade "bricklaying" had its designation rescinded. This was incorrect.

II. EMPLOYMENT STANDARDS

134. In Ontario, the Employment Standards Act, 1974, effective January 1, 1975 brought about several significant changes, namely, pregnancy leave, equal pay and equal benefits. The provisions respecting termination, pregnancy leave, equal pay and equal benefits will apply to the Crown, its agencies and boards. The maximum hours of work remain at 48 hours per week, however, overtime must be paid after 44 hours.
135. In addition, the exercise of certain powers do not require hearings under the Statutory Powers Procedure Act, 1971. An employment standard shall be deemed a minimum requirement only. The director has the same power with respect to individual contractual benefits for vacations and holidays as he has with respect to collective agreements. Finally, civil remedies are not affected by the Act.
136. In New Brunswick, the employer is required to give to each employee at the end of each pay period a statement showing the dates of the pay period, the employee's gross pay for the period, the particulars and amount of each deduction, and the net pay after deduction.

Minimum Age for Employment

137. In Prince Edward Island, undertakings including the canning or packaging of any products produced on a farm or harvested from any waters or involved in the publishing and printing of newspapers, books and magazines are declared an industrial undertaking. No child under the age of 15 years shall be employed in an industrial undertaking.
138. In the Yukon Territory, no person under the age of 18 years shall be employed underground or at the working face of any open cut workings, pit or quarry.

Equal Pay

139. In Manitoba, a new part to the Employment Standards Act states that work for which a male employee is employed and work for which a female employee is employed shall be deemed to be the same or substantially the same, if the job, duties, responsibilities or services that they are called upon to perform are the same or substantially the same kind or quality and substantially equal in amount.
140. In Ontario, the new principle is equal pay for work that is substantially the same and that requires substantially the same skill, effort and responsibility.

Equal Benefits

141. Ontario prohibits distinctions, exclusions or preferences between employees because of age, sex or marital status under pension, life insurance, sickness, medical or hospital plans available to employees.

142. The Lieutenant-Governor-in-Council is authorized to make regulations for exceptions to this general principle.

Hours of Work

143. In Alberta, any employee engaged in field catering, geophysical exploration, land surveying, logging and lumbering or oil well servicing shall not exceed 10 hours in a day or 191 hours in a month.
144. An employee engaged in highway construction, railway construction or brush clearing shall not exceed 10 hours in a day or 44 hours in a week.
145. An employee engaged in road work by rural municipalities and counties shall not exceed 10 hours in a day or 191 hours in a month.
146. Manitoba reissued a regulation, effective May 1, 1974, under the Construction Industry Wages Act, respecting minimum wages and maximum standard hours of employees in the heavy construction industry. The maximum hours of work payable at regular rates is 54 reduced from 60 hours.
147. General maximum weekly hours of work have been reduced from 44 hours to 40 hours, effective October 1, 1975.
148. In Ontario, an employer in the ambulance service industry who pays an employee engaged as an ambulance driver, driver's helper or first-aid attendant a weekly wage of not less than \$115.20 on or after May 1, 1975, is exempt from the hourly record requirement.
149. New Brunswick's Closing of Retail Establishments Act lists the days upon which no retail establishment shall be open to the general public for the purpose of carrying on business. Retail establishments with the exception of newspaper stands, tobacconists, restaurants, etc., shall be closed on New Year's Day, Good Friday, Dominion Day, Sovereign's birthday, Victoria Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and any day appointed by statute or proclaimed by the Governor General or the Lieutenant-Governor.
150. In Newfoundland, the weekly holiday for barbers and hairdressers has been changed from Monday to Saturday and late opening from Friday to Thursday. The Hours of Work Act was also amended to make Thanksgiving a statutory holiday.
151. The Northwest Territories amended the Labour Standards Ordinance, effective April 1, 1974, providing for a standard 8-hour day and 44-hour week (formerly 48 hours) and a maximum 10-hour day and 54-hour week (60 hours).
152. A standard of 191 hours per month (208) and a maximum of 234 hours per month (260) are provided for employees in the exploration and development of metal mining and petroleum, isolated transportation and tourist camps.

153. When a general holiday with pay occurs, the employee shall not work more than 36 hours in that week exclusive of hours worked or during which the employee was at his employer's disposal on the holiday.
154. In Nova Scotia, flea markets and rummage sales are exempted from the Lord's Day Act.
155. In Ontario, persons working in the growing of trees and shrubs for the wholesale and retail trade, the breeding and boarding of horses on a farm or the keeping of fur-bearing animals for propagation or the production of pelts for commercial purposes are exempted from the hours of work and overtime provisions of the Act.
156. A Commissioner's Order in the Yukon Territory makes provisions for a 40-hour compressed work week of four 10-hour days, allowing for three consecutive days of rest. Agreement by a majority of the employees or terms of a collective agreement would bring this about as long as the change in hours was registered with the Labour Standards Officer. Employees shall not be required to work overtime in excess of these hours.

Minimum Wages

157. The minimum wage rates were increased in the federal, Alberta, Northwest Territories, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan and Yukon jurisdictions.
158. Effective July 23, 1975, the federal jurisdiction will increase the minimum hourly wage from \$2.20 to \$2.60. The minimum wage for an employee less than 17 years of age will increase from \$1.95 to \$2.35 on the same date.
159. Alberta issued a new order governing minimum wages. Effective January 1, 1975, the minimum rates are \$2.25 for employees 18 years and over, \$2.10 for employees under 18 years and \$1.75 for students under the age of 18 employed on a part-time basis outside their normal school hours between the opening and closing dates fixed for the school at which they are in attendance. Effective July 1, 1975, these rates rise to \$2.50, \$2.35 and \$2.00, respectively.
160. Deductions for meals and lodging were likewise increased to \$0.75 from \$0.55 for a single meal and \$1.00 from \$0.75 per day for lodging.
161. Regulations were also issued rescinding many old regulations covering certain industries in specified zones in the province.

162. In Manitoba, a regulation was reissued under the Construction Industry Wages Act respecting minimum wages and maximum regular hours of employees in the construction industry outside Greater Winnipeg and not on major building projects. As of July 1, 1975, wages will vary between \$3.10 and \$8.20 per hour. In a second regulation under the Construction Industry Wages Act respecting minimum wages and maximum standard hours of employees in the heavy construction industry, as of May 1, 1975, the salaries vary between \$2.60 and \$5.40 per hour. A third regulation respecting minimum wages and maximum standard hours in the construction industry in Greater Winnipeg and on major building projects effective July 1, 1975 varies the wages between \$5.00 and \$8.22 an hour. Several categories will receive further increases on October 1, 1975 and April 1, 1976.
163. In Newfoundland, an Order-in-Council produced an increase in the carpentry industry in the Gander area which varies between \$5.80 an hour on April 1, 1975 and \$6.90 an hour on April 1, 1976. A new schedule for the sheet metal industry in the St. John's area gives journeymen \$6.50 an hour effective February 3, 1975. Another Order-in-Council governing carpenters in Grand Falls, Windsor, Bishop's Falls and Badger gives carpenters \$5.30 an hour on February 3, 1975, rising to \$6.90 on April 1, 1976.
164. The Northwest Territories amended the Labour Standards Ordinance effective April 1, 1974. The minimum wage rates were set at \$2.50 per hour for all employees 17 years of age and over, \$2.00 for all employees 16 years of age, \$1.75 for all employees 15 years of age and \$1.50 for all employees less than 15 years of age.
165. In Nova Scotia, an amendment to the General Wage Order covering beauty parlours, road building and heavy construction industry and the logging and forest operations, effective March 1, 1975, gave raises ranging from \$1.40 per hour for inexperienced workers in beauty parlours to \$2.25 per hour for experienced workers in all categories. In the logging and forest operations, persons such as fire rangers and wardens who have no fixed work week are paid \$445.00 per month. On January 1, 1976, these rates will be increased by \$0.25 per hour, with those who have no fixed work week rising to \$490.00 per month.
166. Maximum allowable deductions for board and lodging per week are \$22.50, board only \$17.50, lodging only \$5.00 and single meals \$0.90.
167. Orders-in-Council provided increases for the plumbing, steamfitting and pipefitting trades; the sheet metal trade; and the plastering trade in the building construction industry in the cities of Halifax and Dartmouth, effective May 1, 1974, through April 30, 1976. Plumbers, etc., and sheet metal workers' rates are increased: May 1, 1974, \$6.50; November 1, 1974, \$6.75; May 1, 1975, \$7.05; and November 1, 1975, \$7.33. Plasterers receive \$5.63, \$5.88, \$6.13 and \$6.38 on corresponding dates.

168. Orders-in-Council produced increases for the carpentry trade, the plumbing and pipefitting trades; and labourers in the building construction industry in the city of Sydney. The schedules are effective from May 1, 1974 through April 30, 1975. Carpenters and plumbers, etc., receive on May 1, 1974, \$5.70 and on January 1, 1975, \$5.95. Labourers receive \$5.00 and \$5.25 on the same dates.
169. A new schedule in the cities of Halifax and Dartmouth for labourers in the building construction industry gave them \$5.30 on November 1, 1974, \$5.55 on May 1, 1975 and \$5.80 on November 1, 1975.
170. Effective from May 1, 1974 through April 30, 1975, the painting and allied trades in the building construction industry received a new schedule as follows: journeymen May 1, 1974, \$5.10 and January 1, 1975, \$5.35.
171. In Ontario, the minimum wage rates were increased on October 1, 1974 to \$2.25 for the general rate, \$2.50 for construction workers and construction site guards, \$2.15 for learners in their first month of employment and \$1.90 per hour for students under 18 years of age who work less than 28 hours per week or on a school holiday. These rates were correspondingly increased on May 1, 1975 to \$2.40, \$2.65, \$2.30 and \$2.00 per hour.
172. The maximum charges for meals allowable are as follows: room, \$10.00 per week; meals, \$1.05 or a maximum of \$22.00 per week; or both room and meals, \$32.00 per week.
173. A new regulation was issued respecting fruit, vegetable, and tobacco harvesters providing that the minimum wage be paid to them effective May 1, 1975.
174. The maximum charges for meals and lodging are the same as for other workers also. If serviced housing is provided, the employer may charge up to \$40.00 per week and for unserviced housing, \$30.00 per week.
175. New schedules of wages respecting the ladies' dress and sportswear industry and the men's and boys' clothing industry came into effect in 1974.
176. Prince Edward Island has increased its minimum wage effective October 1, 1975 to \$2.30 per hour for workers 18 years of age and over and \$2.00 per hour for workers under 18 years of age.
177. The maximum charges allowable for board and lodging are as follows: board and lodging \$18.00 per week; board only, \$12.00 per week; lodging only, \$6.00 per week; and single meals, \$1.00.

178. In Quebec, the Minimum Wage Commission readjusted its minimum wage rate under the General Minimum Wage Order from \$2.15 on November 1, 1974 to \$2.30 on the same date. Rates for employees under 18 years of age were raised to \$2.10 per hour. A further increase on June 1, 1975, brought the minimum wage up to \$2.60 for employees 18 years of age and over and \$2.40 for employees under 18 years of age.
179. Effective August 1, 1974, the Forestry Operations Ordinance was amended so that woodcutters paid on a piece-work basis are entitled for each working day in each calendar month, the average rate of \$22.00 per day; contract employees, cooks, kitchen helpers and fire rangers are entitled to \$19.00 per day; watchmen \$17.50 per day and all other employees, \$2.10 per hour.
180. An amendment to the General Minimum Wage Order, effective July 10, 1974, placed the shoe industry on an equal footing with other industries as regards minimum wages. The shoe industry may no longer employ workers on a 40-day trial basis in the ratio of 10% of the total manufacturing personnel at 10% less than the minimum wage.
181. New schedules in the men's and boys' clothing industry, men's hairdressing trade (Montreal region), garage employees (Quebec region) and the fashion accessories industry (Montreal region) provided increases in the minimum wage.
182. Saskatchewan increased its minimum wage to \$2.50 per hour effective March 31, 1975.
183. General Hourly Minimum Wage Rates for Adult and Young Workers (as of June 30, 1975)

1. Federal

Effective April 1, 1974

Employees 17 and over	- \$2.20
Employees under 17	- \$1.95

Effective July 23, 1975

Employees 17 and over	- \$2.60
Employees under 17	- \$2.35

2. Alberta

Effective April 1, 1974

Employees 18 and over	- \$2.00
Employees under 18	- \$1.85
Students under 18 employed on a part-time basis	- \$1.50

Alberta (Continued)

Effective January 1, 1975

Employees 18 and over	- \$2.25
Employees under 18	- \$2.10
Students under 18 employed on a part-time basis	- \$1.75

Effective July 1, 1975

Employees 18 and over	- \$2.50
Employees under 18	- \$2.35
Students under 18 employed on a part-time basis	- \$2.00

3. British Columbia

Effective June 3, 1974

Employees 18 and over	- \$2.50
Employees 17 and under	- \$2.10

4. Manitoba

Effective July 1, 1974

Employees 18 and over	- \$2.15
Employees under 18	- \$1.90

Effective January 1, 1975

Employees 18 and over	- \$2.30
Employees under 18	- \$2.05

5. New Brunswick

Effective July 1, 1974

General rates	- \$1.90
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Effective January 1, 1975

General rates	- \$2.15
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Effective July 1, 1975

General rates	- \$2.30
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6. Newfoundland

Effective July 1, 1974

Employees over 16 - \$2.00

Effective January 1, 1975

Employees over 16 - \$2.25

7. Nova Scotia

Effective July 1, 1974

Employees 18 and over - \$1.80

Underage employees 14-18 - \$1.55

Inexperienced employees - \$1.55

Effective October 1, 1974

Employees 18 and over - \$2.00

Underage employees 14-18 - \$1.75

Inexperienced employees - \$1.75

Effective January 1, 1975

Employees 18 and over - \$2.20

Underage employees 14-18 - \$1.95

Inexperienced employees - \$1.95

Effective March 1, 1975

Employees 18 and over - \$2.25

Underage employees 14-18 - \$2.00

Inexperienced employees - \$2.00

Effective January 1, 1976

Employees 18 and over - \$2.50

Underage employees 14-18 - \$2.25

Inexperienced employees - \$2.25

8. Ontario

Effective January 1, 1974

General rates - \$2.00

Learners (1st month of employment) - \$1.90

Students under 18, employed less
than 28 hours per week - \$1.65

Ontario (Continued)

Effective October 1, 1974

General rates	- \$2.25
Learners (1st month of employment)	- \$2.15
Students under 18, employed less than 28 hours per week	- \$1.90

Effective May 1, 1975

General rates	- \$2.40
Learners (1st month of employment)	- \$2.30
Students under 18, employed less than 28 hours per week	- \$2.00

9. Prince Edward Island

Effective July 1, 1974

Employees 18 and over	- \$1.75
Employees under 18	- \$1.50

Effective January 1, 1975

Employees 18 and over	- \$2.05
Employees under 18	- \$1.80

Effective October 1, 1975

Employees 18 and over	- \$2.30
Employees under 18	- \$2.00

10. Québec

Effective May 1, 1974

Employees 18 and over	- \$2.10
Employees under 18	- \$2.00

Effective November 1, 1974

Employees 18 and over	- \$2.30
Employees under 18	- \$2.10

Effective June 1, 1975

Employees 18 and over	- \$2.60
Employees under 18	- \$2.40

11. Saskatchewan

Effective July 2, 1974

General rates - \$2.25

Effective March 31, 1975

General rates - \$2.50

12. Northwest Territories

Effective April 1, 1974

Employees 17 and over	- \$2.50
Employees 16	- \$2.00
Employees 15	- \$1.75
Employees under 15	- \$1.50

13. Yukon Territory

Effective April 1, 1974

General rates - \$2.30

Effective July 23, 1975

General rates - \$2.70

Annual Vacations with Pay

184. In Nova Scotia, teachers are excluded from the vacation pay provisions of the Labour Standards Code and the Vacation Pay Act.
185. In Québec, Ordinance No.3 has been amended to exclude commissioned real estate, securities and insurance salesmen or agents from the annual vacation provisions.
186. In Saskatchewan, an employee is now entitled to three weeks vacation after one year of employment.

General Holidays

187. New Brunswick has enacted legislation providing for six public holidays as follows: New Year's Day, Good Friday, Dominion Day, Labour Day, Christmas Day and New Brunswick Day (the first Monday in August). This will become effective upon proclamation.
188. In Ontario, there is a provision under the new Employment Standards Act giving an option to an employer in the hotel, motel, tourist, etc., industry; in the case of a hospital, and where there is continuous operation, to either pay holiday pay for work on the holiday or pay regular pay and give another day as a holiday with pay.

189. Work on a holiday is not considered overtime. When employment ceases before a holiday is substituted, designated or given, the employer shall pay to the employee his regular wages for that day.
190. In Saskatchewan, Saskatchewan Day is designated a statutory holiday on the first Monday in August of each year.
191. The Yukon Territory amended its Labour Standards Ordinance as regards general holidays for persons in custodial work, essential services or continuous operation. Where such an employee is required to work on a general holiday, in addition to his regular rate of pay for his hours worked on that day, he must be paid at least time and one-half for the hours worked by him on that day, or be given a holiday with pay at some other time which may be added to his annual vacation, or granted as a holiday with pay at a time convenient to him. The Commissioner may make regulations as he deems necessary regarding these categories.

Overtime Pay

192. In Manitoba, overtime will be paid after 40 hours (was 44) in a week.
193. Ontario provides that an employment standards officer may determine weekly hours and regular rates in cases where no proper records are kept.
194. All existing approvals for averaging hours over a period of more than one week will be brought into line with the 44-hour week. Existing approvals will be cancelled three months after the Act comes into force on January 1, 1975.

Maternity Leave

195. Amendments to the Canada Labour Code provide for 17 weeks' maternity leave to be taken anytime after 11 weeks preceding the estimated date of confinement.
196. Ontario's new Act provides that an employer of 24 employees or less is no longer exempt.
197. The leave of absence is extended to 17 weeks and permits the pregnant employee to choose the day that leave commences. There are also provisions for shortening the length of leave.
198. A pregnant employee may obtain a leave of absence in case of a medical condition that was not anticipated.
199. An employment standards officer may require an employer to reinstate and pay compensation to an employee who wishes to return to work after the leave expires.

Garnishment of Wages

200. In Newfoundland, the amount exempt from attachment or execution is increased by \$100. The effect of the increase is to bring the amounts exempt from attachment or execution in line with the rates payable to persons on social assistance plus the income that may be retained by such persons.

Vacation Pay

201. In Nova Scotia, the amount of vacation pay accruing due to an employee is a debt due or accruing due by the employer to the employee and the employee shall be deemed to hold a mortgage on the assets of the employer to the amount of vacation pay accruing due and may enforce the mortgage by foreclosure proceedings. The mortgage shall be payable in priority over all liens, charges or mortgages of every person in respect of the real and personal property of the employer, including those of the Crown in the right of the Province, but excepting liens for wages due to workmen by the employer.

Termination of Employment

202. In Nova Scotia, where an employee is employed with an employer for ten years or more, the employer shall not discharge or suspend that employee without just cause.

Mechanic's Lien

203. Ontario has enacted an amendment to the Act which brings under the mechanics lien procedures all Crown contracts for public works except those of The Ministry of Transportation and Communications which are provided for in a Bill to enact the Ministry of Transportation and Communications Creditors Payment Act, 1975.

Administration

204. In Ontario, the Minister may appoint persons as referees to hear appeals from employment standards officers and difficult cases of wage claims.
205. An employment standards officer may arrange for direct payment, settle a claim or, in default of either, issue an order for payment by an employer of wages owed to an employee up to \$4,000 (was \$2,000) plus a 10% penalty.
206. An employer may not retain wages owed to employees who cannot be conveniently located. Such wages are to be paid to the director in trust, to be held for the employee or his estate or other person entitled thereto.
207. An employee may request a review by the director where an employment standards officer refuses to issue an order.

- 208. An employer may appeal to a referee an order compelling payment to an employee.
- 209. The director may have a hearing by a referee of difficult questions or into alleged schemes to avoid the Act.
- 210. The director may issue a certificate of non-compliance with an order to pay and to enforce the order in the courts instead of having to prosecute and obtain an order for payment from a provincial judge.

Offences and Penalties

- 211. In Ontario, unfair employer practices against an employee are defined in detail and prohibited.
- 212. An employer who fails to comply with a provincial judge's order is guilty of an offence and on summary conviction is liable to a fine not exceeding \$100 (was \$50) for each day of continuing failure.
- 213. The general penalty for a contravention of the Act is \$10,000 (was \$2,000) or six months in jail (new) or both.
- 214. An officer, director or agent of an employer who participates in an offence is guilty of the offence.
- 215. The onus of disproving his participation in a contravention of the Act or the regulations is shifted to the officer, director or agent.
- 216. A judge may issue an order for payment of wages against an officer, director or agent who was a participant in the offence.
- 217. The director may require an employee to use the arbitration process under a collective agreement.

III. HUMAN RIGHTS

218. Changes in human rights legislation were enacted in several jurisdictions. Some changes were minor but others were significant, such as the coming into force of the new Manitoba Human Rights Act.
219. In the Federal jurisdiction, provisions were passed which gave male and female veterans equality of status and equal rights and obligations under the War Veterans Allowance Act and the Civilian War Pensions and Allowances Act.
220. An exception to the rule of equality of status is contained in the provision that certain allowances under the above Acts are payable to females at the age of 55, whereas they are payable to males at the age of 60.
221. Another important statute passed (June 16, 1975) by the federal jurisdiction was the Statute Law (Status of Women) Amendment Act, 1974.
222. The Act amends: the Canada Elections Act, the Criminal Code, the Public Service Employment Act, the Pension Act, the Civilian War Pensions and Allowances Act, the National Defence Act, the Unemployment Insurance Act, 1971, and the Canada Labour Code.
223. Detailed descriptions of the amendments to the Public Service Employment Act and the Canada Labour Code can be found in those sections of this publication entitled "Industrial Relations (Special Groups)" and "Employment Standards", respectively.
224. In British Columbia, a new provision outlines the powers of the director (i.e., an officer in the Department of Labour charged with the responsibility of administering the Human Rights Code) or a person delegated by him for purposes of an inquiry or investigation.
225. Generally, the director or delegate may inspect all books, payrolls, personnel records, registers, notices, documents and other records relating in any way to wages, hours of work, applications for employment, conditions of employment, membership or application for membership, accommodation, services or facilities generally available to the public, occupancy under a tenancy, or purchase or acquisition of any interest in real property.
226. Extracts or copies of all the documents referred to can be taken, and the director or his delegate can cause correct information to be given by oath or statutory declaration, or by the delivering up of books, records, etc.
227. The director or his delegate have the general powers of whatever examination and inquiry may be necessary to ascertain whether the provisions of the Act are complied with. They may also exercise such other powers as may be necessary for carrying out the Act and its regulations, and have the power to administer oaths, take affidavits, etc., and summon persons to give evidence in connection with any investigation, inquiry or examination.

228. British Columbia also passed the Status of Men and Women Amendment Act (June 20, 1975).
229. The Act amends; the British Columbia Hydro and Power Authority Act, 1964, the Coal Mines Regulation Act, the Cremation Act, the Curfew (Unorganized Territory) Act, the Department of Highways Act, the Department of Public Works Act, the Dykes Maintenance Act, the Forest Act, the Health Act, the Income Tax Act, the Libel and Slander Act, the Mines Regulation Act, the Partition Act, the Partnership Act, the Pension Fund Societies Act, the Power Act, the Probate Fees Act, the Provincial Auxiliary Hospitals Act, the Provincial Home-owner Grant Act, the Racing Commission Act, the Railway Act, the Reciprocal Enforcement of Judgments Act, the Residence and Responsibility Act, the Small Claims Act, the Summary Convictions Act, the Taxation Act and the Wills Act.
230. The amendments in many cases consist of replacing such references as "men" with "persons" replacing references to "married women" and "widow" with "person" and "surviving spouse".
231. Other important amendments include the removal of references which classify "married women" with "infants, absentees and lunatics".
232. Also removed are barriers to the employment of women underground and the authorization of the Lieutenant-Governor-in-Council to prescribe curfews for male and female children of different ages.
233. Manitoba proclaimed its new Human Rights Act in force as of October 17, 1974. The new Act broadens prohibitions against discrimination, enables the payment of special damages to victims of discrimination and provides for the establishment of special boards of adjudication.
234. The new Act adds a prohibition of discrimination in the provision of housing on the basis of source of income. This would, for example, prevent housing being denied to welfare recipients.
235. Signs or broadcasts or publications or any notice, sign, emblem, etc., which shows discrimination on the grounds of race, nationality, religion, colour, sex, marital status, or ethnic or national origin is prohibited.
236. The Act specifies, however, that the above prohibition is not intended to interfere with the free expression of opinion upon any subject, nor does it apply to the display of a sign, notice, etc., displayed to identify facilities customarily used by one sex.
237. Public services or facilities or accommodation must not be denied on the basis of race, nationality, religion, colour, sex, age, or ethnic or national origin. But persons under the age of majority may not use facilities not available to them by law, and persons of one sex or another may be barred on grounds of public decency.

238. Also, the prohibition against denying occupancy in commercial or housing accommodation on grounds of race, nationality, religion, colour, sex, age, or ethnic or national origin does not apply to housing accommodation where the occupancy of all the housing accommodation in a building, except that of the owner and his family, is restricted to individuals who are of the same sex.
239. Preference in housing accommodation may also be given in buildings designed to be used primarily for elderly persons. Denial of the opportunity to acquire any commercial unit or housing, or any interest in land, on the basis of race, nationality, religion, colour, sex, age marital status, or ethnic or national origin is prohibited.
240. Discrimination with respect to any term or condition of purchase of housing, commercial units, accommodation, or land or interest in land on the above grounds is also prohibited.
241. The Act carries a general clause stating that every person has the right to equal opportunity based on bona fide qualifications in respect of his occupation or employment, or in respect of intended occupation or employment, advancement or promotion. This right also applies to membership or intended membership in a trade union, employer's organization or occupational association.
242. The general clause is followed by specific prohibitions against discrimination by employers, employment agencies and trade unions on the grounds of race, nationality, religion, colour, sex, age, marital status, ethnic or national origin, or political beliefs.
243. Employers must not publish or cause to be published, displayed, circulated or broadcasted any words, symbols or other representations that indicate directly or indirectly that race, nationality, religion, colour, sex, age, marital status, ethnic or national origin is or may be a limitation, specification, or preference for a position of employment. No one may advertise on behalf of an employer an advertisement which contains the above preferences, limitations or specifications.
244. No one is allowed to use an application form or make any pre-employment inquiry which expresses a preference or limitation or specification as to race, nationality, religion, colour, sex, age, marital status, or ethnic or national origin. These particulars must not be asked for, nor may an employment agency act upon, or make any referral based on them.
245. The prohibitions relating to discrimination in selection for employment do not apply where sex, age, marital status, or political belief is a reasonable occupational qualification and requirement for the position of employment.

246. The prohibitions relating to limitations or preferences in employment do not apply to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for a profit and is operated primarily to foster the welfare of a group or class of persons characterized by a common race, nationality, religion, colour, sex, age, marital status, ethnic or national origin where one or none of the above criteria is a bona fide occupational qualification and requirement.
247. The prohibitions against discrimination in employment do not apply to a domestic employed or to be employed in a single family residence.
248. Contracts made generally available to the public must not discriminate or include terms or conditions that discriminate or include terms or conditions that discriminate against any person on the basis of race, nationality, religion, colour, sex, age, marital status, ethnic or national origin of that person.
249. This prohibition does not apply to the operation of a bona fide retirement, superannuation or pension plan, or the terms or conditions of any bona fide group of employee insurance plan, or any bona fide scheme based upon seniority.
250. No one must be penalized in any way by refusal of employment, threats of or actual dismissal, or by any other penalty, because of having made a complaint under the Act, or has testified or made any disclosure under the Act.
251. The Act is administered by the Manitoba Human Rights Commission which is appointed by the Lieutenant-Governor-in-Council. The Commission is not limited to any particular number of members and the term of these members is determined by the Lieutenant-Governor-in-Council.
252. Besides enforcing the Act, the Commission also is empowered to conduct educational programs.
253. The Commission must file an annual report of its activities with the Minister, who then submits the report to the Legislative Assembly.
254. Although the investigation of complaints will continue to be the function of the Human Rights Commission, the hearing of and passing judgment on cases of alleged infringement of human rights legislation will be the responsibility of boards of adjudication. These boards are to be appointed, as required, by the Attorney-General.
255. The purpose of dividing the investigation and judgment functions between the boards and the Commission is to prevent any pre-judging of cases.
256. Complaints under the Human Rights Act may be initiated by any person who has reasonable grounds to believe that any person has contravened the Act. A complaint must be filed with the Commission within six months after the alleged offence occurred.

257. Where the complaint is made by a third party, the Commission may refuse to file the complaint unless the person alleged to be offended against consents.
258. If the Commission is unable to effect a settlement in a complaint, then the matter may be referred to a board of adjudication through the Minister.
259. If, after a hearing during which both sides must be given an opportunity to be heard, the board finds that a violation has occurred, it may make an order directing that lost wages be compensated for. It may also order that the guilty party do or refrain from doing something in order that the Act may be complied with.
260. The board may file the order with the Court of Queen's Bench, thus giving the order the status of a court judgment.
261. Appeal may be filed with the Court of Queen's Bench.
262. Individuals found guilty of violating the Human Rights Act are liable to a fine of not less than \$100 and not more than \$1,000 (previously \$50 and \$500) and in the case of corporations, not less than \$500 and not more than \$5,000 (previously \$200 and \$1,000).
263. New Brunswick amended its Human Rights Act to ensure that the prohibition against publishing discriminatory advertisements regarding employment now includes "causing to be published".
264. Newfoundland. Extensive changes were made to the Newfoundland Human Rights Code. In general, these changes consisted of a broadening of the grounds upon which discrimination is prohibited and the establishment of a permanent Human Rights Commission.
265. Sex and marital status are added to the grounds upon which discrimination is prohibited in the provision of public accommodation, services and other facilities, and in the provision of commercial or self-contained dwelling units.
266. Marital status is now a prohibited ground for discrimination in employment and employment-related areas such as use of employment agencies, use of application forms and pre-employment inquiries, and membership in trade unions.
267. Sex is added as a prohibited ground for discrimination in the use of application forms, pre-employment inquiries, advertisements for employment, and the use of employment agencies that discriminate. Sex was already a prohibited ground in employment and in trade union membership.
268. Where age is a prohibited ground, "age" now means not less than 19 and not more than 65.

269. Also, the types of employers to which the fair employment practices section does not apply have been substantially reduced. Application is now excepted in respect of an exclusively religious or fraternal non-profit organization, and in respect of the employment of a domestic employed and living in a single-family home. Previously, the fair employment provisions did not apply to a much wider range of employers, including non-profit charitable, philanthropic, educational and social organizations, and a fairly extensive number of educational institutions and other bodies specified by order of the Lieutenant-Governor-in-Council in the light of certain terms of union with Canada as set forth in the schedule to the British North America Act.
270. A unique new section prohibits discrimination in employment-related activities because of a person's having had his or her pay subject to attachment or seizure from a present or previous employer. Exception can be made, however, where the duties of the employee include collecting, receiving or depositing money belonging to the employer.
271. Equal pay provisions have been amended to ensure that males as well as females are protected. Also, an added clause declares that female employees must be afforded equal opportunity for advancement and training, and equal pension rights and insurance benefits as males employed in the same establishment performing under the same or similar working conditions, the same or similar work on jobs requiring the same or similar skill, effort and responsibility.
272. The amendment provides for the establishment of a permanent Human Rights Commission. The new Commission is to be composed of at least three members, one of whom is designated as chairman. Also designated from the Commission is a director who is Executive Director of the Commission.
273. The Commission, subject to the responsible Minister, administers the Code and also is charged with the promotion of human rights through educational programs, research, advice and assistance to government departments and agencies, private organizations, groups and individuals. Also, the Commission must co-operate with and assist any person, organization or group concerned with human rights, whether within or outside the province.
274. The Commission, through the director, is responsible for enforcement of the Act. Where a person complains in writing that he or she has been aggrieved by an alleged violation of the Code, the director, or an investigating officer, enquires into and attempts to settle the matter. If a settlement is not effected, the director must report to the chairman of the Commission, who in turn reports to the Minister with a recommendation as to whether the matter merits further enquiry.
275. Where the matter is judged by the Minister to merit further enquiry, it is referred for settlement to either the Human Rights Commission (or one or more members thereof) or an "ad hoc" Human Rights Commission consisting of one or more persons appointed by the Minister. After an enquiry, the Commission (whether it is the permanent Commission or an "ad hoc" Commission) makes its recommendations to the Minister who then may issue whatever order he deems necessary to carry out those recommendations.

276. In Nova Scotia, an amendment to the Human Rights Act prohibits discrimination in employment on the basis of age for older persons (between 40 and 65). This does not effect the operation of a bona fide retirement or pension plan, or group or employee insurance plan.
277. Also newly prohibited is discrimination on the basis of a physical handicap, unless the nature and extent of the handicap reasonably preclude performance of the particular employment, activity or association.
278. Ontario made several changes to the Ontario Human Rights Code.
279. Clarified is the fact that the prohibition against discrimination in housing on the basis of sex is not applicable where the occupancy of the housing accommodation other than that of the owner and his family, is restricted to persons of the same sex.
280. Age may be taken into account as a factor in employment where age is a bona fide qualification for employment.
281. Pension funds and insurance plans are exempted from the general prohibition of discrimination against employees on the grounds of age, sex and marital status.
282. The amendment shifts the administrative and enforcement functions formerly carried out by the Ontario Women's Bureau to the Ontario Human Rights Commission.
283. The Code has also been revised to allow for investigation, rather than formal inquiry, in the early stages of proceedings upon an alleged violation.
284. A commissioner or officer of the Commission may enter upon lands or premises at any reasonable time without a warrant for the purpose of investigating a complaint. This commissioner or officer may remove any employment applications, payrolls, records, documents, etc., for the purpose of making copies or extracts.
285. No entry may be made, however, into a place or room actually being used as a dwelling, without first having obtained an order from a justice of the peace, and any documents removed must be returned promptly after copies have been made.
286. The Act makes it an offence to hinder or obstruct an officer of the Commission or to withhold any documents or papers relevant to the complaint.
287. Saskatchewan amended its Bill of Rights Act by Bill 60, which was passed on April 18, 1975.

288. The Bill states that the anti-discrimination provisions of the Saskatchewan Bill of Rights Act concerning the renting or leasing of housing units do not apply where:
- (a) a dwelling unit is part of a building in which the owner or his family reside and the occupants of the dwelling unit are required to share a bathroom or kitchen facility with the owner or his family; or
 - (b) a self-contained dwelling unit is in a dwelling house that is composed of not more than two self-contained dwelling units and the owner or his family reside in one of the two self-contained dwelling units.
289. The Bill goes on to provide that no person must publish, display or cause to be published or displayed, or permit to be published or displayed on any lands or premises, in a newspaper, through a television or radio broadcasting station, or by means of any medium he controls, distributes or sells; any notice, sign, symbol or other representation indicating discrimination or an intention to discriminate because of the race, creed, religion, colour, nationality, ancestry or place of origin of a person or class of persons.
290. The Yukon Territory has amended the Fair Practices Ordinance.
291. The grounds upon which discrimination is prohibited in certain practices have been broadened.
292. Employers and trade unions must not discriminate on grounds of sex or marital status. These new grounds are added to the previous ones: race, religion, religious creed, colour and ancestry.
293. The prohibitions apply to the use of application forms. That is, no person is allowed to require an applicant for employment to complete a form of application that asks for particulars as to race, religion, religious creed, colour, ancestry, sex, marital status, or ethnic or national origin.
294. Sex and marital status were added to the grounds upon which persons must not deny accommodation, services or facilities available in any place to which the public is customarily admitted.
295. No one may deny a person occupancy of an apartment in a building which contains more than six self-contained dwelling units because of race, religion, religious creed, colour, ancestry, sex, marital status, or ethnic or national origin. The previously prohibited grounds were race, creed, colour, nationality, ancestry or place of origin.

296. A new clause states that the section regarding denial of accommodation, public facilities, etc., does not apply where the accommodation, services or occupancy is restricted to persons who are of the same sex.
297. Sex and marital status are added to the list of grounds upon which discriminatory publications, signs, notices, emblems, etc., are prohibited.
300. The amendment repeals a section which states that the Ordinance is not applicable to an employer with fewer than five employees.
301. Sex and marital status are added to the grounds upon which an employer may discriminate where a preference is based upon a bona fide occupational qualification.
302. Quebec passed Bill 50, a charter of Human Rights and Freedoms, on June 27, 1975. A detailed summary of this Act will appear in the next issue of the Legislative Review.

IV. INDUSTRIAL RELATIONS

A. General

303. A section of the Statute Law Amendment Act (October 15, 1974) applies to the British Columbia Labour Code.

Collective Agreements

304. Each of the parties to a collective agreement were previously required, upon its execution, to file one copy with the Minister. The amendment requires two copies to be filed with the Minister and one copy with the board.
305. The power of an arbitration board to substitute a penalty when an employee has been dismissed, suspended, or otherwise disciplined by an employer for proper cause, and the collective agreement does not contain a specific penalty for the infraction, is now a power of the Labour Relations Board as well.

Certification

306. Added to the powers that the board may exercise, when after an inquiry it has been found that unfair labour practices have been committed, is that of the imposition of such conditions as it considers necessary or advisable upon the trade union concerned. If the conditions are not substantially fulfilled to the satisfaction of the board within 12 months from the date of the certification, or within such lesser period of time as the board may order, the certification is cancelled.
307. When a representation vote is taken, a "majoriy" is defined as the majority of the employees in the unit who cast ballots and who vote to elect the trade union as bargaining agent for the employees in the unit.

Jurisdiction of Board

308. The board's exclusive authority to determine the extent of its jurisdiction and any fact or question of law necessary to establish its jurisdiction is expanded.
309. Included now are:
- review of panel decisions;
 - determination of appropriate bargaining unit;
 - determination of whether or not a person is a member in good standing of a trade union;
 - successor rights and obligations;
 - arbitration procedures concerning referral to an officer or the board.

Board Regulations

310. In British Columbia, again, the Labour Relations Board Regulations were amended, including, among other things, an additional holiday in line with the "British Columbia Day Act" which laid down the first Monday of August as a legal holiday.
311. Some of the requirements concerning applications to the board for hearing complaints on strikes, lock-outs, picketing and limitation of production are modified.

Application Notices

312. Previously, the board could direct the employer to bring the application to the attention of affected employees in some other way in addition to posting notices. Either one or both methods of notification are now acceptable.
313. Further flexibility is added to the application provisions by the board being able to permit, at the request of either party or on its own motion, any party to initiate or proceed with an application without fully complying with the regulations.

Hearings

314. The board may notify the parties that formal hearing of the complaint and application will be postponed pending investigation or attempted resolution of the dispute by the board.
315. A contesting party is no longer required to set out the material facts upon which it relies in a statutory declaration.
316. The board may, without holding a hearing:
- dismiss the complaint;
 - postpone making an order until the parties, in accordance with a procedure agreed to by the parties and sanctioned by the board, have endeavoured to settle the matter in dispute; or
 - make such other order or proceed in such other manner as it deems appropriate.
317. A bill amending the Alberta Labour Act came into force on royal assent, June 6, 1974. A new division is added to the legislation specifically to provide for collective agreements relating to the construction of oil sands plants.

Principal Contractor

318. A principal contractor has the authority to bargain collectively on his own behalf and on behalf of any other employer engaged in the construction of an oil plant in a lease area with any trade union that is the bargaining agent of the principal contractor or any other employer engaged in the construction of an oil plant in a lease area.

319. The term "principal contractor" means the person, corporation, partnership or group of persons primarily responsible for the construction of an oil sands plant.

Collective Agreements

320. Matters which are bargainable are:

- wages;
- health, welfare and pension benefits; and
- vacation and other holiday benefits.

321. Existing collective agreements are to remain unaffected during bargaining under the new provisions.

322. The new provisions apply notwithstanding any existing registration certificate or collective agreement which affects either the principal contractor or other employers.

323. Conciliation procedures under the Labour Act do not apply where bargaining is carried out under the new provisions.

324. A collective agreement entered into between the principal contractor and the trade union is binding on: the principal contractor; the other employers on whose behalf the principal contractor bargained (i.e., other employers engaged in the construction of an oil sands plant in a lease area); any other employer who subsequently becomes engaged in the construction of an oil sands plant in the lease area; the trade union representing workers in the lease area and the employees on whose behalf the agreement was signed.

325. Collective agreements are deemed to remain in force until the completion of the construction project.

326. Where a collective agreement is entered into under the new provisions, the principal contractor, other employers on whose behalf the principal contractor bargained, subsequent employers engaged in the lease area tar sands plants, the trade union, and the employees on whose behalf the trade union bargains, are deemed to be excluded from: any registration certificate and its effects, any other collective agreement and, where applicable, any application for a registration certificate which, but for the new provisions, would have applied to the parties mentioned above.

Suspension of other Provisions

327. The new provisions suspend certain other provisions of the Alberta Labour Act (revocation of certification, termination of a collective agreement, duration of an agreement, terms of an agreement) from application to agreements made under them (i.e., the new provisions).

328. Amendments to the Prince Edward Island Labour Act and the Labour Relations Act in Newfoundland established panels of the Labour Relations Board.

Panels

329. In Prince Edward Island, a panel consists of either a chairman and two or more members, or three or more members designated by the chairman of the board. Two or more panels may proceed with separate matters at the same time. Any matter that is referable to the board is referable to a panel which has the power and authority of the board. Decisions are made on a majority basis.
330. Legislation proclaimed in Newfoundland, January 1, 1975, empowers the Lieutenant-Governor-in-Council to appoint as many part-time "representative members" of the board as he considers proper. These members, equally representative of employees and employers in the province, hold office for two years and are deemed to be members of the board only while serving on a panel of the board.
331. A panel consists of the chairman or the vice-chairman, if appointed by the chairman, and two representative members who are representative of employees and employers in the industry or service with which the matter before the panel is concerned. Two or more panels may proceed with separate matters at the same time. The chairman may refer to a panel any matter that is before the board and to the board or another panel any matter that is before a panel.
332. A panel has the power and authority of the board. Its decisions are those of the majority; and it ceases to exist when the chairman decides that the matter it is considering is completed.
333. In Prince Edward Island, further amendments came into force June 17, 1975; they relate to conciliation matters.

Appointment of Conciliation Officer

334. An added provision requires the conciliation officer, after being instructed by the Minister to endeavour to bring about agreement between the parties, forthwith to fix time and place of a meeting, giving reasonable notice to the parties.

Report of Conciliation Officer

335. The conciliation officer must now report to the Minister within ten days of his first meeting with the parties instead of 14 days after being instructed. Amendments to enforcement provisions came into force May 15, 1975.

Offences and Penalties

336. Fines for non-compliance with industrial relations provisions, board orders, including arbitrator or arbitration board awards, etc., are increased from "not more than one hundred dollars" to "not less than one hundred dollars and not more than one thousand dollars" for an employee or an individual who is not an employee and from "not more than one thousand dollars" to "not less than five hundred dollars and not more than five thousand dollars" for an employer, trade union or employer's organization. Amendments to the New Brunswick Industrial Relations Act relate to the special provisions dealing with power sites: "Lorneville Area Projects Bargaining Authority".
337. The Authority is a legal entity for the purposes of enforcing a collective agreement or for preventing the continuation of offences under the "Strikes and Lockouts" (sec. 91) provisions of the Act.
338. New definitions are given for "Power Sites" and "Point Lepreau Site". The Thermal Power Site Panel is changed to the Power Sites Panel and the membership is changed (the panel is still of seven persons).
339. Previously, a person was elected or appointed by the contractor members and one person designated by the Council of the Construction Association of New Brunswick Inc.
340. Now, a person each is elected or appointed by:
- the New Brunswick Mechanical Contractors Employers Association Inc., and
 - the Electrical Contractors Association of New Brunswick Inc.
341. In British Columbia, extensive amendments to the Labour Code received first reading May 16, 1975; they include the following changes:

Definitions

342. The "dependent contractor" definition hinged on the word "individual" which, changed to "person", now includes a corporation.
343. The "employee" definition removes from the exclusions professional employees and employees engaged in domestic service, agriculture, hunting and trapping.
344. The "strike" definition is expanded to include "an act or omission that is intended to, or does, restrict or limit production or services".

Bargaining in Good Faith

345. Previously, collective agreements concluded outside the province were invalid until one of the parties notified the board and the other party of acceptance, and the board declared the agreement valid. Validity is now attained by ratification of the agreement by the majority of employees in the province covered by it.

Union Membership

346. No employer may be forced to dismiss an employee because he is expelled or suspended from a trade union on the ground that he belongs to another trade union.

Labour Relations Board

Evidence

347. An additional provision, retroactive to January 14, 1974, allows the board to use reports from persons appointed to investigate applications or disputes without disclosing the contents to any party. Further sections are re-enacted in full. Major changes follow.

Powers and Jurisdiction

Objects and Policy

The board's purposes and objects are to:

- promote effective industrial relations in the interest of achieving and maintaining good working conditions and the well-being of the public;
 - encourage the practice and procedure of collective bargaining between employers and trade unions as the freely chosen representatives of employees;
 - promote conditions favourable to the orderly and constructive settlement of disputes between employers and employees and between employers and trade unions as the freely chosen representatives of employees;
 - secure and maintain industrial peace, and further harmonious relations between employers and employees.
348. In formulating and maintaining currency of these general policies (which will be for publication), the board may request submissions from anyone.

Hearing of Complaint

349. Where, upon application for assistance in dispute settlement or complaint of unfair labour practices or other breaches of the Act, regulations or a collective agreement, the board may:
- make an order directing an employer, trade union, or any other person to do anything for the purpose of complying with this Act, a collective agreement or the regulations, or to refrain from doing any act, thing or omission in contravention of the Act, a collective agreement, or the regulations; or

- make an order directing an employer, trade union, or any other person to rectify any such contraventions; or
- refuse to make such order where, due to improper conduct of the applicant, it is just and equitable to do so;
- except in relation to conduct regulated by Part V (Strikes, Lockouts and Picketing) make an order determining, fixing and directing payment to the injured party of the monetary value of any injury or losses suffered by an employer, trade union or any other person as a result of a contravention of the Act, a collective agreement or the regulations; or
- make an order directing an employer to reinstate an employee discharged under circumstances constituting a contravention of the Act, a collective agreement or the regulations; or
- make such other order, or proceed in such other manner, as the board considers appropriate in all the circumstances, having regard to its purposes and objects.

350. Where a request is made to the board under sections 85 or 86 (Picketing) or any other provision conferring on the board a discretion to prohibit, restrict, confine, regulate, control, direct or require the performance of any act or thing, the board may exercise its discretion and make such order, impose such conditions or proceed in such other manner as it considers to be in furtherance of its purposes and objects.

351. Where, at any time before or during a proceeding, the board or a person appointed by the board is able to effect a settlement of all or part of the differences between the parties on terms not contrary to the Act, regulations or collective agreement, the board may issue a consent order setting forth the terms of settlement agreed to by the parties with the full force and effect of a regular order of the board.

352. The board may reject applications or complaints that are without merit at any time.

Conditions and Undertakings

353. Where the board makes or may make a decision or order under the Act, it may require that, at any time before or after, or both before and after making the decision or order:

- certain conditions prescribed by the board be observed or performed; or
- the applicant or complainant undertake to act or refrain from acting in a manner prescribed by the board.

354. A breach of an undertaking, or a refusal or neglect to observe or perform such condition contravenes the Act.

Filing order in Supreme Court

355. The board may, on application or its own motion, file in a registry of the Supreme Court at any time, a copy of its order or decision as if it were a court order, and except for an appeal from it, the order is deemed a Supreme Court order and enforceable as such.

Jurisdiction of Board

356. Except as otherwise provided in the Act, the board exercises exclusive jurisdiction to hear and determine an application or complaint and to make any permitted order under the Act. The board exercises exclusive jurisdiction over:
- any matter in respect of which the board has jurisdiction under the Act or regulations;
 - any matter in respect of which the board determines it has exclusive jurisdiction as provided by the Act (section 33); and
 - any application for the regulation, restraint, or prohibition of any person or group from
 - ceasing or refusing to perform work or to remain in a relationship of employment, or
 - picketing, striking or locking out, or
 - communicating information or opinion in a labour dispute by speech, writing or any other means.

Jurisdiction of Court

357. Except as provided below, no court has or shall exercise any jurisdiction in respect of any matter that is or may be the subject of a complaint as detailed above, or falls within the board's exclusive jurisdiction as spelled out above and no court shall make an order enjoining or prohibiting any act or thing in respect of such matters.
358. Nothing in this Act is to be construed to restrict or limit the jurisdiction of a court or deprive it of jurisdiction to entertain any proceeding and to make any form of order it may make in the proper exercise of its jurisdiction when a wrongful act or omission in respect of which a proceeding is commenced causes an immediate danger of serious personal injury, actual obstruction or physical property damage.
359. No court is to order an injunction to restrain a person from striking, locking out or picketing, or from doing any act or any thing in respect of a strike, lockout, dispute, or a difference arising out of or relating to a collective agreement upon ex parte application.

360. A court of competent jurisdiction may award damages for injury or losses suffered as a consequence of conduct that is in contravention of Part V (Strikes, Lockouts and Picketing) if the board has determined the conduct is such and has decided to give its consent in writing to commencement of proceedings to recover damages.

Questions of Jurisdiction

361. The board has and exercises exclusive jurisdiction to determine the extent of its jurisdiction under the Act, a collective agreement or the regulations, and to determine any fact or question of law that is necessary to establish its jurisdiction, and to determine whether or not or in what manner it shall exercise its jurisdiction.

Jurisdiction of Board to Decide Questions

362. The board has exclusive jurisdiction to decide any question under the Act, including whether:
- a person is an employer or employee;
 - an organization or association is an employers' organization or a trade union;
 - a collective agreement has been entered into;
 - a person is, or what persons are, bound by a collective agreement;
 - a person is, or what persons are, parties to a collective agreement;
 - a collective agreement has been entered into on behalf of any person;
 - a collective agreement is in full force and effect;
 - a person is bargaining collectively or has bargained collectively in good faith;
 - a group of employees is a unit appropriate for collective bargaining;
 - an employee belongs to a craft or profession;
 - a person is a member in good standing of a trade union;
 - a person is included in or excluded from an appropriate bargaining unit;
 - an employer is included in or excluded from an accreditation;

- a person is a dependent contractor;
- an organization of trade unions is a council of trade unions;
- a person is engaged in police, firefighting or hospital duties;
- a person or organization is a professional strike-breaker;
- a trade union or employers' organization is fulfilling a duty of fair representation;
- a site or place is a site or place of business, operations or employment of an employer;
- a person is an ally;
- a person is a professional;
- a person is exercising technical or professional skills; and
- an activity constitutes a strike, lockout, or picketing.

363. Board orders or decisions are final and conclusive and not open to question or review in any court on any grounds. No board proceedings to be restrained or prohibited, etc.

Application for Certification

364. New rules are provided for the period within which an application for certification may be sought depending on the length of the collective agreement.

365. Previously, application for certification where a collective agreement is in force was "only during the seventh and eighth months in each year of its term or of any renewal or continuation thereof".

366. Now, where a collective agreement for two years or less is in force, application may be made during the sixth and fifth months prior to its expiry, or where a collective agreement for more than two years is in force application may be made during the seventh and eighth months of the second year and any subsequent full year, and during the sixth and fifth months prior to its expiry in an incomplete year. As before, a trade union that is party to a collective agreement but is not certified with respect to the employees it covers may apply at any time.

Craft Unions

367. The section providing for application by employees belonging to a technical craft or group for separate representation is expanded to include representation by a professional union.

Successor Rights and Obligations

368. Additional powers are given to the board when, in dealing with questions arising out of a business transfer, it has made an inquiry or directed a vote. The board may, as well as determining the appropriate unit and amending certification:

- modify or restrict the operation or effect of any provision of a collective agreement and define the rights under it of any employees affected by the sale, lease, transfer or other disposition, and
- give directions, to the extent the board considers necessary or advisable, as to the interpretation and application of the provisions of a collective agreement affecting the employees in an appropriate unit.

Certification of Councils of Trade Unions

369. Provisions for certification of trade union councils are re-enacted for clarification. New items include:

- to determine whether the proposed council is representative of the employees in the unit, the board will examine records and make such inquiry or finding, including the holding of hearings as it considers necessary;
- where the board certifies a council of trade unions, it may:
 - determine that no collective agreement is in effect or binding upon all or any of the employees in the unit,
 - determine whether or not a provision of a collective agreement is binding upon all or any of the employees in the unit;
 - determine that a provision in a collective agreement that is in effect and binding upon all or any of the employees should continue to be in effect and binding upon those employees for such term as the board may determine,
 - extend the provisions of one or more collective agreements that are in effect to all or any of the employees,

- settle the terms and conditions of a new collective agreement based in whole or in part on one or more of the collective agreements in effect and binding on all or any of the employees, and
- make such other pertinent order or determination as may be necessary or advisable.

Firefighters, Police or Hospital Unions

370. In addition to the Minister's power to recommend that the Lieutenant-Governor-in-Council prescribe a cooling-off period, where a dispute involving these "special groups" is not resolved (with a consequent immediate and serious danger to life or health likely or continuing to occur) the Minister may:

- request the board to designate those facilities, productions and services that it considers necessary or essential to prevent immediate and serious danger to life, health or safety;
- order the employer and the trade union concerned to continue to supply, provide or maintain in full measure those facilities, productions, and services so designated and not to restrict or limit them, or he may do both.

Introduction of Technological Change

371. The amendment removes the right of an arbitration board to refer a matter to the Labour Relations Board and makes provisions for the arbitration board to apply directly to the Minister for a special officer to be appointed.

Pre-lockout Vote and Notice

372. Provision is made for the case where there is no vote of employers, e.g., a single employer.

Rights Preserved

373. Acts or omissions by a trade union or by the employees shall constitute a strike where the act or omission is required for the safety or health of the employees.

Picketing Acts not Actionable

374. Added to the prohibition of action or proceeding for petty trespass on real property to which the public ordinarily has access and interference with contractual relations arising out of strikes, lockouts or picketing permitted under the Act is:

- interference with the trade, business or employment of another person resulting in a reduction in trade or business, impairment of business opportunity or other economic loss.

Arbitration Procedures

Interpretation

375. The definition of "arbitration board" is expanded to include, as well as a single arbitrator, any other tribunal or body appointed or constituted under the provisions of the Act or under a collective agreement.
376. The intent and purpose of the arbitration provisions are to constitute a method and procedure for determining grievances and resolving disputes under the provisions of a collective agreement without resort to stoppage of work.
377. An arbitration board must have regard to the real substance of the matters in dispute and the respective merit of the positions of the parties; the principles applied must be consistent with the industrial relations policy of the Act and not bound by a strict legal interpretation of the issue in dispute.

Dismissal or Arbitration Provision

378. The major change requires the employer to have a just and reasonable cause for the dismissal or discipline of an employee.

Referral to Officer or Board

379. When the board acts as an arbitration board, its order is indeed final and binding on the parties and on all other persons bound by the collective agreement. The clause in the previous legislation providing for a request by a party or person concerned to the board to file a copy of the order after 14 days is repealed.

Action by Board

380. The board may now inquire into a difference not only where there is delay in settlement but also where the difference is a source of industrial unrest between the parties.

Authority of Arbitration

381. The powers of an arbitration board are re-enacted in full; it has authority:
- to make an order fixing and determining the monetary value of any injury or loss suffered by an employer, trade union, or any other person as a result of a contravention of a collective agreement, and directing an employer, trade union or other person to pay all or part of the amount of the monetary value of the injury or loss as fixed and determined by the board;
 - to make an order directing an employer to reinstate an employee dismissed under circumstances constituting a contravention of a collective agreement;

- to make an order directing an employer or trade union to rescind and rectify any disciplinary action taken in respect of an employee that was imposed under circumstances constituting a contravention of a collective agreement;
- to determine that a dismissal or discipline is excessive in all the circumstances of the case and substitute such other measure as appears just and equitable;
- to relieve, on such terms as may be just and reasonable, against any breaches of time limits or other procedural requirements set out in the collective agreement;
- to dismiss or reject an application or grievance, or refuse to settle a difference where, in the opinion of the arbitration board, there has been unreasonable delay by the person bringing the application or grievance, or requesting the settlement, and the delay has operated to the prejudice or detriment of the other party to the difference;
- to rectify a collective agreement where it is established that the written agreement does not accurately reflect the actual agreement made by the parties; and
- to interpret and apply any Act intended to regulate the employment relationship of the person bound by a collective agreement notwithstanding that its provisions conflict with the terms of the collective agreement.

Arbitration Act

382. The Arbitration Act does not apply to an arbitration under this Act. Previously, the Arbitration Act applied except as otherwise provided under this Act.

Reference to Labour Relations Board

383. Previously, provision was made for an arbitration board to refer for Supreme Court opinion any question of law arising out of the arbitration case. Referral is now to the board "for a binding opinion and decision" on any question of labour relations policy or interpretation of the Act arising in the course of arbitration.

Appeal Jurisdiction of Labour Relations Board

384. Appeal from a decision or award of an arbitration board may be made in accordance with the regulations on the ground:
- that a party to the arbitration has been or is likely to be denied a fair hearing;
 - that the decision or award of the arbitration board is inconsistent with the principles expressed or implied in the Act, or any other Act dealing with labour relations.

Decision Final

385. The decision or award of an arbitration board under the Act is final and conclusive; an appeal to the Court of Appeal may be made only on the general grounds not appealable to the Labour Relations Board.

Labour Ombudsman

386. The amendment adds a further power to those of the Labour Ombudsman so that he may report on decisions or orders of the Labour Relations Board that he considers contrary to natural justice.

Mailed Notice

387. Parties to a dispute must notify the board as well as the Minister and other parties of their principal office to which they wish notices to be sent.

Evidentiary Effect of Documents

388. The board is now included with the Minister for the acceptance by the courts of copies of signed regulations or orders as prima facie proof.

B. Special Groups

Teachers

British Columbia

389. The Public Schools Interim Arbitration Procedure Act, (Bill 173) adopted in British Columbia received Royal Assent on November 26, 1974, but is retroactive and came into force on November 13, 1974.
390. The purpose of this Act is to ensure that orderly arbitration procedures respecting teachers' salaries take place in respect of collective agreements covering the 1975 calendar year.
391. Sections 137, 138(7) to 140 and 141 of the Public Schools Act dealing with negotiation and arbitration do not apply to collective agreements which come under Bill 173.

Collective Bargaining

392. On or before November 29, 1974, a board of school trustees or its agent may negotiate an agreement with the local association of teachers in a school district or its agent whereby teachers' salaries and bonuses or teachers' salary and bonus schedules are established for the 1975 year or 1975 and one more subsequent calendar year.
393. Where an agreement has not been concluded by that date, the conciliator acting under the Public Schools Act advises the Minister, the school board and the association that the matter will be referred to a salary arbitration board. This board is composed of two members appointed, respectively, by each party and a chairman nominated by the two arbitrators already appointed.
394. Upon application, a judge of the County Court will appoint an arbitrator if one party fails to do so. A judge of the Supreme Court will appoint the chairman of the board if the two appointed arbitrators do not agree on the nomination of a chairman.
395. If no arbitrator or chairman has been appointed either by the parties or the Court, the submission of the matter to arbitration is rescinded and the agreement that was in effect for the 1974 calendar year remains in effect for the 1975 calendar year.
396. The arbitration award is final and binding upon the school board and the teachers in respect of whom arbitration is invoked.

Newfoundland

397. In December 1974, regulations pursuant to the Newfoundland Teacher (Collective Bargaining) Act 1973, and the Labour Relations Act were adopted by the Newfoundland Legislature. These regulations establish rules and procedures of the Newfoundland Labour Relations Board.
398. By virtue of these regulations, an application for a certification of a bargaining agent must be made in writing, duly signed on behalf of an association and verified by statutory declaration or affidavit of the person who signed the application.

399. The Newfoundland Labour Relations Board gives notice and sends one or more copies of the application to the employer and to any other interested party.
400. Where it deems it advisable, the board may require the employer to post one or more copies of the application and notice and to keep them posted for seven days in a conspicuous place where most likely to come to the attention of the teachers. Upon the expiry of the period of posting, the employer files with the board a statutory declaration proving compliance with the instructions of the board.
401. Within seven days of receipt of the notice and copy of the application, the employer must notify the board of his intention to contest or not contest the application. Any party who receives a copy of the application and notice may intervene. The party who files a notice of intervention must file a reply to the application within 14 days of receipt of copy of the application and notice. The reply must be in writing, signed on behalf of the party and verified by affidavit.
402. The reply contains a concise statement of the material facts upon which the intervenor intends to rely and admits or denies each of the statements made in the application. The reply must also mention if a hearing before the board is requested and where a hearing is so requested the reason for such request.
403. Upon receipt of the reply, the board sends a copy to the applicant who informs the board whether or not he desires a hearing. Where the board decides that a hearing is advisable, a notice is sent to the applicant, to the employer and to all intervenors fixing a time and place for the hearing.
404. The regulations contain provisions relating to an application to the Labour Relations Board to prescribe a provision for the final settlement of differences concerning the meaning or violation of a collective agreement.
405. Such application may be made by either party and must contain the names and addresses of the parties, the date of execution of the agreement, its duration and the reasons for making the application. The board decides if a hearing is advisable and gives notice of time and place to the interested parties.
406. According to the regulations, a member in good standing is a person who in the opinion of the board is, at the date of application for certification, a member of the association, and has paid a fee of at least two dollars for or within the period commencing on the first day of the third month preceding the calendar month in which the application is made and ending upon the date of the application.
407. A request for the appointment of a conciliation officer is made to the Chairman of the Newfoundland Labour Relations Board.

408. Such request must be accompanied by a statement containing the names and addresses of both parties involved in the dispute, a copy of the notice to commence bargaining, a copy of any existing agreement and a copy of the latest proposals of the parties together with a statement of the steps that have been taken, the progress that has been made in collective bargaining and the difficulties encountered.

Nova Scotia

409. The teachers of Nova Scotia bargain collectively under the provisions of Bill 63 which may be cited as an Act respecting collective bargaining for teachers. Since 1968, collective bargaining was regulated by the Teaching Profession Act.

Collective Bargaining

410. The Nova Scotia Teachers' Union is the exclusive bargaining agent for the teachers with the employer.
411. Where no professional agreement is in force, either party may by notice in writing require the other party to commence bargaining. Where a professional agreement is in force, the notice requiring to commence collective bargaining may be given by either party within a period of two months next preceding the date of expiry of the term of, or preceding termination of the agreement.
412. If the parties are unable to reach an agreement, the union or the school board gives notice in writing to the other that it desires the matter to be referred to an arbitration board composed of three persons.
413. Two members of the arbitration board are appointed, respectively by each party. These two members appoint a third person to be a member and chairman of the arbitration board.
414. The decision of the majority is the decision of the board and is binding upon the parties.
415. Where a notice to commence bargaining has been given, the union and the employer shall within 20 clear days after the notice was given or such further time as the parties may agree, meet and commence to bargain collectively.
416. No modification can be made by the employer to the rates of wage, the terms or conditions of employment without the consent of the bargaining agent or the Labour Relations Board until a new agreement has been concluded, a conciliation officer has failed to bring the parties together and reported to the Minister, or a conciliation board was appointed and its report received by the Minister.
417. The Minister may instruct a conciliation officer to confer with the parties where collective bargaining has not commenced within the time prescribed, on request of either party, or in any case in which he finds it advisable.

Unfair Practices

418. It is an unfair practice for an employer to refuse to employ or to continue to employ a person or discriminate against any person because that person is involved in any way in a proceeding under this Act, has filed a complaint or has participated in a legal strike.
419. It is also an unfair practice to restrain a teacher from exercising any right under this Act, or to discharge or discipline a teacher who refuses to perform the responsibilities of another teacher who is participating in a legal strike. To seek by intimidation or threat to compel a person to refrain from participating in a proceeding under this Act, making a disclosure or filing a complaint is an unfair practice.
420. It is an unfair practice for the union to expel, suspend or deny membership in the union to any person by applying in a discriminatory manner the membership rules of the union.
421. Discrimination in the application of the standard of discipline of the union is also an unfair practice. Disciplinary action against a teacher who refuses to perform an act that is contrary to this Act and discrimination against a person who is involved in any proceeding under this Act are prohibited.
422. Any person or organization may make a complaint in writing to the board regarding unfair practices but not later than 90 days from the date the complainant knew of the action giving rise to the complaint.

Board of Conciliation

423. The board of conciliation consists of three members. Both parties nominate a person to be appointed member by the Minister. The two members appoint a chairman within five days of their appointment.
424. In case of failure by the two members to nominate a chairman, the Minister appoints one.
425. The purpose of the conciliation board is to endeavour to bring about an agreement between the parties. The decision of the majority of the members is the decision of the conciliation board.
426. Within 14 days after the appointment of the chairman or within a longer period that is agreed upon by the parties, or as may from time to time be allowed by the Minister, the conciliation board reports its recommendations to the Minister.
427. Where a conciliation officer fails to bring a settlement between the parties and 14 days have elapsed since he made his report to the Minister, both parties, jointly or severally, may make application for appointment of a conciliation board.

428. If the Minister of Education and the union wish to settle the dispute by compulsory and binding arbitration, they may do so if they both agree. Both parties must notify the Minister in writing within 14 days after a conciliation officer has been appointed or within seven days after a conciliation board was appointed and failed to bring the parties to an agreement.
429. The Minister may appoint a mediation officer any time he feels it may bring settlement of or prevent a dispute.
430. The functions and powers of the mediation officer are to investigate the dispute, attempt to bring about a settlement or assist the parties in the development of effective labour-management relations.
431. In case of failure by the mediation officer to effect a settlement with the consent of the Minister, he may make a report which is deemed to be a report of a conciliation officer. This is possible where collective bargaining has not commenced within the time prescribed, or collective bargaining has commenced but without success, or in any other case in which in the opinion of the Minister it is advisable to do so.

Professional Agreement

432. A professional agreement is binding upon the bargaining agent, every teacher in the unit of employees and the employer.
433. Every agreement contains a provision for final settlement of all differences between the parties without stoppage of work by arbitration or otherwise. Where the agreement does not contain such a provision, it is deemed to contain a statutory provision to the same effect. This provision remains in force after the termination of the agreement and until the conciliation process is over.
434. The arbitrator or arbitration board has the power to establish its own procedure and to determine if a matter is arbitrable. It also has the power to substitute for the discharge or discipline of a teacher, for just cause any other penalty that seems just or reasonable in the circumstances.
435. Any provision of the agreement is subject to revision according to the agreement except those relating to the term of the agreement.
436. Every agreement is deemed to be for a term of at least one year except with the consent of the Labour Relations Board.

Strikes and Lockouts

437. Strikes and lockouts are prohibited until the parties have bargained collective and have exhausted conciliation services.

438. A strike or lockout may not take place more than six months following the 14th day after the report of the conciliation officer was made to the Minister, or following the seventh day after the report of the conciliation board was received by the Minister.
439. No strike may occur until the majority of the teachers in the unit have voted in favour of strike action by secret ballot.
440. A strike or lockout is authorized 48 hours after the Minister has received a notice to this effect.
441. No strike or lockout can be authorized when both parties have voted in favour of the acceptance of the report of a conciliation board.
442. The right to strike is earned 30 days after 14 days have elapsed following the report of the conciliation officer or seven days following the receipt by the Minister of the report by the conciliation board.
443. Any work stoppage is prohibited by the Act. Any person claiming to be involved in or affected by a work stoppage may make a complaint to the board. The board will investigate the matter and may issue an interim order.
444. Before or after the making of an interim order, the board may authorize an officer of the Department of Labour to inquire into the matter. In case of failure by this officer to effect a settlement, the board will conduct a hearing. The decision is in the form of an order of the board. It has the force and effect of law and is binding upon the persons involved.
445. An interim order is in force until the decision of the board comes out. This decision may rescind or vary the interim order.
446. At any time before or after the conciliation board makes its report, the parties so agree in writing, the recommendations of the conciliation board become binding upon the parties.

Prosecution

447. Prosecution for an offence under this Act against a union or employer must be instituted with the consent in writing of the Minister except for prosecution instituted by the Minister or the Attorney-General. For the purpose of such prosecutions, the union is deemed to be a person.

Commission of Inquiry

448. The Minister may either upon application or of his own initiative where he deems it expedient appoint a "Commission of Inquiry" to make an investigation regarding teacher-employer matters, and may do such things as seem calculated to maintain, secure and promote conditions favourable to the settlement of disputes.

449. The report of the commission including its recommendations is made to the Minister within 14 days of appointment, or such extension thereof as the Minister may from time to time grant.
450. The Commission also investigates complaints referred by the Minister and made by a person claiming to be aggrieved because of an alleged violation of any of the provisions of this Act.

Offences

451. Every person or union that infringes the Act, or refuses or neglects to do anything required by the Act, is guilty of an offence and liable upon summary conviction to a fine not exceeding \$1,000 if an individual, or to a fine not exceeding \$10,000 if a school board or union.
452. The penalty for an employer who declares or causes an illegal lockout is a sum not exceeding \$300 for each day that the offence continues.
453. Any person acting on behalf of the employer is liable to a penalty not exceeding \$200 for each day that the lockout exists.
454. The union which declares or authorizes a strike contrary to the Act is liable upon summary conviction to a penalty not exceeding \$300 for each day that the strike exists.
455. Every officer or representative of the union is liable to a penalty not exceeding \$200 for each day that the strike continues.
456. On November 27, 1974, a Private Member's Bill received royal assent. Bill 64 may be cited as an Act to amend Chapter 109 of the Acts of 1968, The Teaching Profession Act.
457. This Bill provides that teachers who resigned or are expelled from the union (Nova Scotia Teachers' Union), and continue to be employed by a school board should pay to the union an amount equivalent to the regular fees for membership as are prescribed by the union.

Québec

458. On December 24, 1974, the Québec National Assembly adopted an Act respecting collective bargaining in the sectors of education, social affairs and government agencies (Bill 95).
459. Collective agreements coming into force on or after July 1, 1975, regarding teachers, non-teaching professional personnel and support personnel employed by school boards and colleges will be regulated by Bill 95 and the Québec Labour Code.

Collective Bargaining

460. By virtue of Bill 95, associations of employees that belong to an employee-associations group will negotiate through a bargaining agent appointed by their group. Those who do not belong to an employee-associations group will negotiate collectively through a bargaining agent appointed by them.
461. The school boards and colleges negotiate through a bargaining agent appointed by one of these groups: any association, federation or other organization to which the majority of the school boards or colleges belong, deemed to be representative of the colleges or school boards by the Minister of Education if it is not already so recognized by law.
462. The Minister of Education, through his representatives, is of right a party to the negotiations.
463. Within 90 days from the coming into force of Bill 95, the parties through their bargaining agent must agree on which matters are to be negotiated and approved at the provincial level and which at a level other than provincial. In case of failure, the Lieutenant-Governor-in-Council will determine which matters are to be negotiated including at least those matters upon which all the parties have agreed to negotiate at the provincial level.
464. Matters for other than provincial negotiation are negotiated and approved between one or more associations of employees and one or more school boards or colleges as the case may be.

Collective Agreement

465. A collective agreement binding upon the parties includes matters agreed upon by the parties to be negotiated and approved at the provincial level and matters for other than provincial negotiation.
466. It includes also the clauses negotiated and approved at the provincial level authorizing the making of regional arrangements.

Saskatchewan

467. Bill 77 being an Act to amend the Teacher Collective Bargaining Act, 1973, received royal assent on May 10, 1974.
468. The Act modifies the interpretation of the word "grievance" by excluding matters involving disciplinary action by a school board against a teacher.
469. A grievance now includes only any disagreement between the parties to a collective agreement with respect to the meaning or application of an agreement or any violation of a collective agreement.
470. In Saskatchewan, an act to amend The Teacher Collective Bargaining Act, 1973 (Bill 58), received royal assent on April 11, 1975.

471. By virtue of this amendment, the scope of bargaining on the provincial level will now include: the period of duration of a provincial agreement reached pursuant to collective bargaining and sick leave for teachers. School boards and teachers' committees will have no more authority to negotiate sick leave for teachers. Nevertheless, conditions pertaining to sick leave that were previously negotiated by school boards remain in effect for the year 1975.
472. Negotiations to conclude or revise a collective bargaining agreement at the provincial and local levels will now commence no later than 100 days before the expiry date of the existing agreement. According to the 1973 Act, such negotiations are to begin not later than the 15th day of September of each year in which an agreement expired. In the case of a first agreement, negotiations were to commence not later than a date determined by the Lieutenant-Governor-in-Council.
473. The amendment provides that The Saskatchewan Teachers' Federation and each bargaining committee (appointed by teachers employed by a school board) will prepare a written notice of the dispute settlement process prior to commencement of negotiations and in any case no later than 101 days before the expiry date of an agreement. According to the 1973 Act the deadline was September 14.
474. A new section is added to the Act providing for the appointment of a mediator by the chairman of The Educational Relations Board, on his own motion, where he considers it desirable to assist the parties in the resolution of a dispute where a provincial agreement is to be concluded, renewed or revised.
475. The chairman of a conciliation board will now be nominated eight days following the day on which the second member of the board is appointed. The chairman of a conciliation board is nominated by the two members and appointed by the chairman of The Educational Relations Board.
476. A conciliation board will have to render its decision within 14 days from its establishment unless the parties agree to extend the time or unless the time is extended by the chairman.
477. Mediation services shall be paid out of moneys appropriated by the Legislature for the purpose.
478. Bill 69, an Act to amend The Statute Law, was passed on April 18, 1975, by the Saskatchewan Legislature.
479. Section 7 of Bill 69 amends The Teacher Collective Bargaining Act, 1973, by providing that a mediator may be appointed by the chairman of The Educational Relations Board to help the parties reach an agreement at the local level as well as the provincial level.
480. By virtue of a regulation adopted by the Saskatchewan Legislature pursuant to The Teacher Collective Bargaining Act, 1973, a mediator appointed by The Educational Relations Board receives such remuneration as fixed by the board under provisions of the Act.

481. The mediator also receives the amount of his sustenance and lodging and other necessary out-of-pocket expenses when absent from his place of residence and the actual travelling expenses incurred in the discharge of his duties, provided that when travelling by private automobile, the mileage rates, as are authorized for employees of the Public Service apply.
482. An amendment brought to regulations made pursuant to The Teacher Collective Bargaining Act, 1973, in Saskatchewan, provides that a copy of a collective agreement concluded at the local level must be sent by the secretary of the school board concerned within 15 days of the date of the agreement to the Deputy Minister of Education.

Provincial Police

Québec

483. Employees of the Québec Police Force negotiate under the provisions of an Act respecting the Québec Police Force syndical plan. Nevertheless, Bill 95 being an Act respecting collective bargaining in the sectors of education, social affairs and government agencies will govern the negotiations of collective agreements coming into force on or after July 1, 1975.
484. Bill 95 provides that the Minister of Civil Service, through his representatives, is of right a party to the negotiation of collective agreements between the parties.
485. Associations of employees negotiate and approve clauses through a bargaining agent designated by them. The Québec Police Force negotiates and approves clauses through a bargaining agent designated jointly by this agency and the Minister of Civil Service.

Firemen

Ontario

486. An Act to amend the Fire Departments Act, received royal assent on December 10, 1974. This Act (Bill 166) adopted by the Ontario Legislature amends Chapter 169 of the Statutes of Ontario.
487. Bill 166 provides that the Arbitration Act does not apply to arbitration procedures conducted under the Fire Departments Act. The amendment extends this provision to The Statutory Powers Procedure Act, 1971, which does not apply either to arbitration under the Fire Departments Act.

Hospital Workers

Prince Edward Island

488. In March 1975, regulations pursuant to the Hospitals Act were adopted by the Prince Edward Island Legislature. These regulations establish that all permanent employees employed by any hospital in Prince Edward Island, in all job classifications, are designed as a single unit for the purposes of negotiations.
489. Excluded from the single unit are employees who are included in a collective agreement which has been negotiated by a bargaining agent or union certified by the Prince Edward Island Labour Relations Board, or who are covered by a collective agreement under the Nurses Act, or are in negotiation for the renewal of such a collective agreement.
490. Where a union has been given certification for a combined majority of the persons employed in any job classification in all the hospitals of the province before the date of promulgation of these regulations, such hospital employees are excluded from the single unit.
491. Medical doctors, dentists, the chief administration officer and those designated by each employer to engage in negotiations are also excluded. The Nurses Act contains some exclusions and others may be made by Order-in-Council of the Lieutenant-Governor-in-Council.

Québec

492. The negotiation of collective agreements for association of employees working in the social affairs sector coming into force on or after July 1, 1975, are regulated by Bill 95 as well as the Québec Labour Code. Bill 95 is an Act respecting collective bargaining in the sectors of education, social affairs and government agencies.
493. The social affairs sector includes public establishments (hospital centres, local community service centres), private establishments (reception centres receiving less than 20 persons, operating in a co-operative form), private establishments under contracts with the Minister of Social Affairs to provide health or social services, and any body declared classified for the purposes of Bill 95 by the Lieutenant-Governor-in-Council.
494. In order to be valid, clauses of collective agreements between these establishments and associations of employees must be negotiated and approved at the provincial level. The Minister of Social Affairs, through his representatives, is of right a party to negotiations.
495. Associations of employees which belong to the same employee-associations group negotiate through a bargaining agent appointed by their group. Others which do not belong to the same employee-associations group negotiate through a bargaining agent appointed by them. Establishments belonging to an establishments group negotiate through their group. Others negotiate through the establishments group chosen by each of them.

496. Clauses negotiated and approved at the provincial level may authorize local arrangements and clauses to be agreed locally between associations of employees and establishments. These items are to be included in the collective agreement which is binding upon the parties.

Construction

Québec

497. On December 24, 1974, the Québec National Assembly adopted an Act to amend the Construction Industry Labour Relations Act (Bill 201).
498. Bill 201 was introduced to authorize the Government to extend, repeal or amend the decree respecting the construction industry without the consent of the parties when it is of the opinion that in the public interest, such solution is the only one which can remedy the existing situation. Representative associations must, however, have been invited to a hearing before a parliamentary committee.
499. The Construction Industry Labour Relations Act provides that the Attorney-General make an inquiry each time a written complaint brings to his attention an infringement of the Act, and where he is of the opinion that such infringement has occurred, he may prosecute the offender.
500. Bill 201 establishes that such proceedings may be instituted by any person generally or specially authorized by the Attorney General to do so.

Civil Servants

Federal

501. The Public Service Employment Act was amended by Bill C-16, an Act to amend certain statutes to provide equality of status thereunder for male and female persons. Bill C-16 received royal assent on June 16, 1975.
502. Reference to age has been deleted from provisions of the Act relating to selection standards. The amendment also provides that in applying the selection standards the Public Service Commission may not discriminate against any person by reason of marital status or age.

British Columbia

503. The Statute Law Amendment Act (Bill 162) which received royal assent on June 20, 1974, amends the Public Service Labour Relations Act.
504. Bill 162 establishes that a chief court administrator or a regional court administrator are excluded from the general interpretation of the word "employee". Also excluded are a sheriff or senior deputy sheriff.

Manitoba

505. On June 10, 1974, an Act to amend The Civil Service Act (Bill 7) received Third Reading in the Manitoba Legislature.
506. The Bill contains provisions relating to employment on special contract, remuneration and expenses for members of the Civil Service Commission and retirement of such members at the age of 65. The Bill fixes the quorum of the Commission to three members.
507. Three categories of employment are established and defined in Bill 7: regular, temporary and departmental. Matters related to remuneration of employees in case of demotion or change of classification are provided for in the Bill.
508. Where a person is of the opinion that a position was not granted on the merit principle, selection appeal is made possible.
509. Bill 7 provides for political rights for civil servants. Any person who wishes to be a candidate for a political party must apply for leave of absence without pay. If the candidate is successful, the leave of absence without pay will not exceed five years. Where the candidate is unsuccessful, he will be reinstated in his position upon application to the government within 90 days from the date on which results of the election are officially declared.

New Brunswick

510. The New Brunswick Legislature adopted regulations pursuant to The Public Service Labour Relations Act.
511. Provisions relating to the designation process of managerial and confidential persons have been amended. Where the Public Service Labour Relations Board has certified an employee organization as bargaining agent, the employer may designate some employees as managerial or confidential persons.
512. The employer files in triplicate with the board a statement setting forth the name of persons to be designated and the relevant paragraph of the Act in which such person is described. The regulation also provides now that where a person to be designated is one who is employed in a position confidential to any person also employed in a managerial or confidential capacity, the statement filed by the employer should include the position, title and occupational group of the person in a confidential capacity to whom the described person is employed.
513. Under the 1969 regulation, the employer served upon the bargaining agent and with the board the statement mentioned above. From now on the secretary of the board will serve a copy of that statement on the bargaining agent of the person to whom the statement applies.

514. The bargaining agent may object to the designation of some employees by filing with the board, not later than 15 days after the service of the statement, a notice of objection containing a concise statement of the grounds of the objection.
515. The time prescribed for filing the notice of objection may be enlarged before or after expiration of such time either by agreement of the parties or by the board in respect of any person or group of persons.

Newfoundland

516. Bill 61 of the Newfoundland Legislature may be cited as The Public Service (Collective Bargaining) Amendment Act, 1974. Bill 61 amends the Act to cure an anomaly.
517. The Labour Relations Act does not apply to employees of the crown and bargaining agents for units of such employees cannot be recognized under that Act. Accordingly, the reference to that Act in the appropriate section is deleted.
518. The Bill also permits the Labour Relations Board to make procedural rules and effect delegation in the same manner and for the same purposes as are contained in The Labour Relations Act.
519. In October 1974, regulations were approved by the Newfoundland Legislature with respect to rules of procedure of the Newfoundland Labour Relations Board.
520. These regulations were made pursuant to the Public Service (Collective Bargaining) Act, 1973, and the Labour Relations Act.
521. Three members of the Labour Relations Board including the chairman, one member representative of employers and one member representative of employees constitute a quorum for the purpose of any hearing of the board.
522. Any application for certification as bargaining agent must be made in writing, duly signed on behalf of an employee organization and verified by statutory declaration or affidavit of the person or persons who signed the application.
523. A copy of the application is sent to the employer and to any other interested party by the board. Within seven days of such receipt, the employer and any other interested party must notify the board of their desire to contest the application and file a reply thereto. The reply must be made within 14 days of service of copy of the application.
524. The reply contains a concise statement of the material facts upon which the intervenor intends to reply and must specifically admit or deny each of the statements made in the application.

525. The reply must state whether or not a hearing before the board is desired and where the board is of opinion that such a hearing is advisable, notice fixing time and place of the hearing is given to the applicant, to the employer and to all other intervenors.
526. The regulations contain provisions relating to applications to the Labour Relations Board to prescribe a provision for the final settlement of differences concerning the meaning or violation of a collective agreement.
527. Such application may be made by either party and must contain the names and addresses of the parties, the date of execution of the agreement, its duration and the reasons for making the application. The board decides if a hearing is advisable and gives notice of time and place to the interested parties.
528. Membership in good standing includes being a member of the employee organization and having paid a fee of at least two dollars for or within the period commencing on the first day of the third month preceding the calendar month in which the application is made and ending upon the date of the application.
529. The Chief Executive Officer of the Labour Relations Board is responsible for the processing of applications made to the board, the issue of notices on behalf of the board and the conduct of various investigations. He is also responsible for the preparation and submission of reports to the board and the issue of orders giving effect to the decisions of the Board.
530. Upon certification of a bargaining agent the board requests the employer to provide a statement in writing of the employees or classes of employees in the unit who are considered by the employer to be essential employees.
531. Such statement must be made by the employer within 20 days of receipt of the request. A copy of the statement is sent to the bargaining agent by the board. The bargaining agent may make an objection to the statement. A copy of the objection is sent to the employer who must inform the board whether or not he desires a hearing on the objection.
532. Where a hearing is called, notice fixing the time and place is given to the employer and the bargaining agent.

Ontario

533. On February 14, 1975, An Act to amend the Crown Employees Collective Bargaining Act, 1972, received royal assent. Bill 179 was introduced in December, 1974.

534. By virtue of Bill 179, the definition of employee does not include: a student employed during regular vacation period or on a co-operative educational training program; a person not ordinarily required to work more than one third of the normal period for persons performing similar work except where the person works on a regular and continuing basis; a person employed in the office of the provincial auditor.
535. The amendment provides that the employee organization, upon application for representation rights, may request that a pre-hearing representation vote be taken.
536. Upon such application, the Ontario Public Service Labour Relations Tribunal may determine a voting constituency. If it appears to the Tribunal on examination of the records that not less than 35% of the employees in the voting constituency are members of the employee organization at the time the application was made, the Tribunal may direct that a representation vote be taken.
537. After such vote is taken, the Tribunal determines the unit of employees that is appropriate for collective bargaining. If the Tribunal is satisfied that not less than 35% of the employees in the bargaining unit are members of the employee organization at the time the application was made, the pre-hearing representation vote is deemed to be a representation vote under section 4(2).
538. The section of the Act setting out the matters that may be the subject of collective bargaining is re-enacted to refer to promotions, demotions, transfers, layoffs or reappointments of employees in place of referring to the methods of effecting them, and to refer to the classification and job evaluation system.
539. The amended Act provides that where notice to commence bargaining has been given and where the Tribunal has been advised in writing by either party that the parties are unable to reach an agreement, following consultation with the parties, the Tribunal may prescribe such mediation procedure as it decides will be most effective. Accordingly, the Tribunal may appoint such person or persons as it may determine to be appropriate in order to give effect to the procedure prescribed.
540. All matters in dispute coming within the scope of collective bargaining are decided by a board of arbitration where a collective agreement is not reached pursuant to the procedure prescribed by the Tribunal within 30 days after the appointment of a mediator or mediators, or such longer period as the Tribunal may direct or the parties may agree upon, or where the Tribunal decides that mediation procedures would not be effective.
541. The amendment provides that each party will now appoint a member to a board of arbitration with ten days of the notification. Each one will notify the other party and the Tribunal in writing of the name and address of the member so appointed. In case of failure by a party to appoint a member within ten days, the Tribunal will appoint such person as may be nominated in writing by either party or, if no person is so nominated, such person as the Tribunal considers suitable.

542. Within five days of the appointment of the second member, the two members appoint a third person to act as chairman of the board. The Tribunal appoints a chairman if the members fail to do so.
543. Where the chairman of a board is unable to enter on or to carry on his duties so as to enable the board to render a decision within a reasonable time after its establishment, the Tribunal appoints a person to act as chairman in his place and the arbitration shall begin de novo.
544. Provisions of the Act setting out the matters that are not subject to collective bargaining are re-enacted to remove the references to job evaluation system, and the principles and standards governing promotion, demotion, transfer, lay-off and reappointment to include suspension and to provide that certain matters the employer has the right to determine will be subject to review with the bargaining agent.
545. The Act establishes the Grievance Settlement Board composed of a chairman, one or more vice-chairmen and an equal number of representatives of employees and employers. The board may sit in panels and is empowered to determine its own practice and procedure but must give full opportunity to the parties to any proceedings to present their evidence and make their submissions.
546. The composition of the Ontario Public Service Labour Relations Tribunal is changed by the amendment. The Tribunal is now constituted of a chairman, one or more vice-chairmen and an equal number of members representing the employees and the employer. The Tribunal is empowered to sit in divisions and to determine its own practice and procedures but must give full opportunity to the parties to any proceedings to present their evidence and make their submissions.
547. The chairman, the vice-chairmen, the members representing the employers' interest are appointed by the Lieutenant-Governor-in-Council for a renewable term of not more than two years.
548. A new section is added to the Act relating to successor rights as bargaining agent in case of merger or transfer of jurisdiction.
549. The section provides that an employee organization may apply to the Tribunal for recognition as the successor bargaining agent and for the Tribunal to conduct a vote of employees. The Tribunal may make an inquiry and may then dismiss the application or direct that a vote be taken. Where more than 50% of the ballots cast are in favour of the employee organization, the Tribunal is required to declare that the employee organization has acquired representation rights as successor bargaining agent.
550. Regulations made pursuant to the Public Service Act and relating to leave-of-absence for the purpose of childbirth are amended.

551. The amendment provides that the leave-of-absence will be for a period of at least 17 weeks or for such shorter period as the employee may request.
552. Before delivery, the leave-of-absence may not exceed 11 weeks (before: six weeks) and after delivery, such leave is to be of at least six weeks unless the employee gives one week's notice that she intends to return to work before the expiry of such six weeks and furnishes the Deputy Minister with a certificate of a legally qualified medical practitioner stating that she is able to resume her work.
553. A new provision is added to section 18 of the regulation. It provides that on returning from leave-of-absence (for the purpose of childbirth) a female public servant is to be assigned to her former position and be paid at the step in the salary ranges that she had attained when the leave-of-absence was granted. Where her position has been abolished during the leave-of-absence, she is to be assigned to a position in the classification that applied to her before leave-of-absence and be paid at the step in salary range that she had attained when the leave-of-absence was granted.

Prince Edward Island

554. Bill 32, an Act to Amend the Civil Service Act, received royal assent on May 30, 1975.
555. The amendment provides that where the Civil Service Commission is empowered to make regulations relating to certain matters also included in a collective agreement, such regulations may not be amended, revised or repealed in a manner that would lead to a conflict with the collective agreement. The collective agreement prevails over the Act.
556. All regulations made under the authority of section 8 and section 17 of the Civil Service Act are rescinded as of October 17, 1974. Parts XV and XVI of the new regulations deal with labour relations between employers and employees.
557. According to the deputy head of each department or government agency, the grievance process may consist of one, two or three levels. The final level is the Grievance Review Board.
558. When unsatisfied with the decision of the lower levels, the employee may submit his grievance to the board. The decision of the board is delivered by the chairman within five days of the conclusion of the hearing. Where disciplinary action against an employee is involved, the board may confirm, increase, reduce or rescind the penalty. The decision of the board is binding on the parties.

559. The Prince Edward Island Public Service Association is the authorized representative for civil servants for a period of two completed agreement negotiations or three years from the date of the first agreement, whichever is greater. After such period, the authorizing body composed of the Minister responsible for the Civil Service Act (chairman) and two additional members appointed by the Lieutenant-Governor-in-Council, will designate either the same or another organization which represents 50% of the civil servants as the authorized representative.
560. A consultation process is established to secure co-operation between the government, its employees and the authorized representative. The negotiation process allows either party to request the other in writing, three months preceding the expiry date of an agreement, to commence bargaining to review, revise or adopt an agreement whichever the case may be. Parties must meet and commence bargaining within 14 days after the notice was given.
561. Where negotiations have not commenced within the time prescribed or have commenced and continued for six weeks, either party may request the Minister of Labour to appoint a conciliation officer to assist the parties. In case of failure, the conciliation officer submits his report to the Minister of Labour.
562. Upon request from either party, the Minister of Labour then appoints a board of arbitration consisting of three members. A single arbitrator may also be appointed. He has the same powers as a board of arbitration. The arbitrator or the board makes an award to settle matters in dispute between the parties. Not later than 30 days following the arbitration award, the parties must prepare and sign an agreement including all matters settled in the award and all matters previously agreed upon by the parties.

Yukon Territory

563. On May 13, 1974, the Ordinance to amend the Public Service Staff Relations Ordinance received royal assent.
564. By virtue of this amendment, the Yukon Public Service Staff Relations Board will be constituted of a chairman, a vice-chairman, not more than three deputy chairmen, and not less than four nor more than eight other members representing in equal numbers the interests of employees and employers.
565. Deputy chairmen, as are other members of the board, are appointed by the Commissioner for a period of five years. A deputy chairman may exercise the powers and functions of the chairman on appointment by the chairman.

C. Emergency Legislation

Federal

566. On October 10, 1974, Parliament enacted Bill C-12, an Act to provide for the resumption of grain handling operations on the west coast of Canada.
567. This emergency legislation came into force to bring an end to a six-week strike in which were involved 550 members of the Grain Workers Union.
568. The term of each collective agreement to which the Act applies is extended to include the period beginning on December 1, 1973, and ending on the day of the coming into effect of a new agreement or revision thereof, or on November 30, 1975, whichever is the earlier.
569. The Act amends each collective agreement by increasing the basic rate of wage by 87 cents an hour effective December 1, 1973. The collective agreements are binding upon the parties. Strikes and lockouts are prohibited during the term for which each collective agreement is extended.
570. The amendments to the agreements provided by the Act must be incorporated in the collective agreement. Parties must negotiate in good faith to agree on the manner in which these amendments are to be incorporated in the agreement.
571. The Act provides for a referee to be appointed by the Governor-in-Council, on the recommendation of the Minister of Labour, where the parties cannot agree on the interpretation of an amendment or on the manner in which it should be included in the agreement. Provisions of the agreement relating to the settlement of disputes do not apply to the matter referred.
572. The referee's decision is incorporated in the agreement. The right of the parties to vary or amend the provisions of the agreement is not restricted except for provisions relating to the term of the agreement.
573. Bill C-56 which may be cited as the West Coast Ports Operations Act, 1975, was adopted by Parliament on March 24, 1975, to deal with two separate disputes involving some 4,000 non-supervisory and supervisory longshoremen. The International Longshoremen's and Warehousemen's Union represented the union side and the British Columbia Maritime Employers Association the employer side.
574. With respect to the non-supervisory dispute, the union called a legal strike on March 2, 1975. Supervisory longshoremen attempting to negotiate a first contract engaged in strike action on March 23.

575. Bill C-56 was adopted to settle both disputes. Some provisions of the Act are common to the non-supervisory and the supervisory disputes whereas some others apply individually.
576. Every company involved in both disputes had to resume longshoring and related operations upon the coming into force of the Act. Each person authorized on behalf of a union to negotiate with the employers association had to give notice to the members of that union that any declaration, authorization or direction to go on strike was invalidated.
577. Every employee who had to return to the duties of his employment and return to work was not to be impeded or prevented by any person. Strikes and lockouts were prohibited during the term of the collective agreement with respect to the non-supervisory dispute and prior to the establishment of an agreement in the supervisory dispute case.
578. The Act provided for the settlement of both disputes by compulsory arbitration. The Minister of Labour was to appoint an arbitrator and refer to him all unresolved matters. The arbitrator had all the powers and duties of an arbitrator under section 157 of the Canada Labour Code and was required to make an award within 60 days of his appointment. The decision of the arbitrator had to be incorporated in the existing agreement or the new agreement as the case was.
579. Bill C-56 provided for a revision clause of any provisions of a collective agreement other than a provision relating to the term of such agreement.
580. Some provisions of Bill C-56 apply only to parties involved in the non-supervisory dispute. Each officer or representative of a union had to comply with any order made pursuant to the collective agreement for the dispatch of persons to perform non-supervisory longshoring or related operations.
581. The term of the collective agreement which expired December 31, 1974, was extended until a new agreement was to come into effect or until December 31, 1976, whichever is the earlier. The terms and conditions of the extended collective agreement became binding on the parties.
582. With respect to the supervisory dispute, the Act provided that employees were to be recalled to their employment by the companies on the terms and conditions that applied before strike action was taken.
583. The companies were not to alter any terms or conditions of employment except with the agreement of the union prior to the establishment of a collective agreement.
584. Part III of the Act provided for enforcement of the legislation. Upon application made on behalf of Her Majesty in Right of Canada, the Supreme Court of British Columbia had to make an order directing any employer or employee organization to comply with the legislation. According to the Act, failure to comply with such order resulted in contempt of court.

585. Any employer or employee organization cited and punished for contempt of court could appeal from the conviction or against the punishment imposed to the Court of Appeal of British Columbia.
586. On April 23, 1975, the St. Lawrence Ports Operations Act, 1975 (Bill C-59), was adopted by Parliament to settle two separate disputes in which were involved some 2,700 employees at the ports of Montreal, Québec City and Trois-Rivières. The parties involved were the Maritime Employers Association and the International Longshoremen's Association representing longshoremen of Montreal, Québec City and Trois-Rivières (about 2,400) and checkers and cargo repairmen of Montreal and Québec City (about 320).
587. Longshoremen began strike action on March 31, 1975. Checkers and cargo repairmen engaged in a legal strike on April 17.
588. Provisions of the Bill referring to each dispute are identical with minor exceptions. Longshoring operations as well as checking and cargo repairing operations had to be resumed upon the coming into force of the Act.
589. Any declaration, authorization or direction to go on strike became invalid and notice to that effect had to be given to members of a union by every person authorized to negotiate on behalf of that union.
590. Every officer or representative of a union had to comply with any order made pursuant to any of the collective agreements for the despatch of persons to perform longshoring, checking and cargo repairing operations.
591. Every employee had to return to the duties of his employment and return to work was not to be impeded or prevented by any person.
592. With respect to the longshoremen, the collective agreement which expired on December 31, 1974, in Montreal was extended until December 31, 1977, or to the day on which a new agreement comes into effect, whichever is the earlier. In Québec City and Trois-Rivières, the agreements expired on January 15, 1975, and were extended to December 31, 1977, or to the day on which a new agreement comes in force, whichever is the earlier.
593. The agreements applying to checkers and cargo repairmen expired December 31, 1974, and were extended to December 31, 1977, or to the day on which new agreements became binding on the parties.
594. Bill C-59 provided for increases in each hourly rate of wages in accordance with recommendations of the conciliation commissioner for employees of both disputes. Other amendments recommended by the conciliation commissioner were to be incorporated in the agreements.
595. The amended agreements became binding on the parties and strikes or lockouts were prohibited during the extended term.

596. The Act provided for the appointment of a referee by the Minister of Labour where the parties were unable to agree on the interpretation of an amendment or on the manner in which to incorporate an amendment in the agreement. The referee's decision had to be incorporated in the agreement.
597. Part III of the Act provided for enforcement of the legislation. Upon application made on behalf of Her Majesty in Right of Canada, the Superior Court in and for the Province of Québec had to make an order directing any employer or employee organization to comply with the legislation. According to the Act, failure to comply with such order resulted in contempt of court.
598. An employer or employee organization cited and punished for contempt of court could appeal from the conviction or against the punishment imposed to the Québec Appeal Court.

British Columbia

599. The Essential Services Continuation Act originates with a strike by the firemen of five certified units in the Vancouver area.
600. The Act varies the certification of these units by substituting in each case a council of trade unions as bargaining agent. The Greater Vancouver Council of Firefighters Trade Union is the new bargaining agent and is deemed to be a council of trade unions within the meaning of the Labour Code of British Columbia.
601. The agreement in effect between one of the units and the employer constitutes the new collective agreement binding upon the parties. It becomes effective on the day following the date of expiry of the last preceding collective agreement.
602. This emergency legislation amends the Labour Code of British Columbia by modifying the certification process for councils of trade unions.
603. As before, upon application or on its own motion, the Labour Relations Board after investigation, could certify a council of trade unions or vary a certification by substituting a council of trade unions as bargaining agent.
604. The Minister will now receive applications and, after investigation, he may direct the board to consider whether or not, in a particular case, a council of trade unions would be an appropriate bargaining agent. After consideration, the board may certify a council of trade unions or vary a certification by substituting a council of trade unions as bargaining agent.
605. Another amendment provides for a cooling-off period where a dispute between an employer and a firefighters' union, policemen's union or hospital employees' union may cause serious danger to life and health. During this cooling-off period, which may not exceed 21 days, no strike or lockout is permitted.

606. Following a strike by the International Union of Elevator Constructors, Local 82, the British Columbia Legislature enacted in November, 1974, The Elevator Construction Industry Labour Disputes Act.
607. Prior to this emergency legislation, an Industrial Inquiry Commission was appointed under the Labour Code of British Columbia and made recommendations for the settlement of the dispute. However, the parties were unable to achieve a settlement.
608. The Construction Labour Relations Association (CLRA) is the bargaining agent for the five employers involved in the dispute.
609. The collective agreement is based upon an arbitration award established in Ontario pursuant to The Elevator Constructors Unions Disputes Act, 1973, and upon recommendations made by the Industrial Inquiry Commission. The parties must prepare and execute documents in the form of a collective agreement giving effect to the terms and conditions set out in the arbitration award and the Commission's recommendations. In case of failure, the Labour Relations Board prepares documents to the same effect and these documents constitute a collective agreement binding upon the parties.
610. Upon the coming into force of the Act, any existing strike or lockout is terminated.
611. The "Armor agreement" already existing between Armor Elevator Canada Ltd. and the International Union of Elevator Constructors as altered by the report of the Commission and conditions agreed to by the CLRA and the union representing employees of the Armor company, constitutes the collective agreement between the CLRA and the union.

Ontario

612. On August 31, 1974, the Toronto Transit Commission Labour Disputes Settlement Act, 1974, came into force providing for the settlement of disputes involving the Toronto Transit Commission and three unions.
613. Collective agreements having expired, the parties had negotiated without success and exhausted conciliation services. Strikes had continued since August 12, 1974, and public interest and welfare required that means be provided to bring the strike to an end.
614. The Act provides for the appointment of an arbitrator to inquire into the dispute. The decision of the arbitrator is binding upon the parties. Documents giving effect to this decision and any agreements of the parties must be prepared and executed by the parties.
615. Where the parties fail to prepare and execute such documents, the arbitrator prepares the documents upon application of either party. The documents come into effect and constitute a collective agreement in case of failure by the parties to execute them.

- 616. An immediate hourly wage increase of 12% is included in the provisions of the Bill which also stipulates that the arbitrator may award further increases.
- 617. Any existing strike is terminated upon the coming into force of the Act. Lockouts are prohibited.
- 618. The terms or conditions of employment are not to be altered either by the employer or the unions except with the consent of the other party.
- 619. This Act came into force on August 31, 1974, and is to be repealed on the day on which the last of the three collective agreements made under this Act comes into operation.

Québec

- 620. Bill 43 respecting the placing of the "International Union of Elevator Constructors, Locals 89 and 101" under the trusteeship, was enacted because of failure by the union to observe the decree respecting the construction industry in Québec, therefore, causing an emergency situation.
- 622. The Act establishes a board of trustees consisting of a chairman and two members to be appointed by the Lieutenant-Governor-in-Council to manage and control the union.
- 623. Subject to approval by the Lieutenant-Governor-in-Council, the board of trustees may; amend the constitution or by-laws of the union, remove or suspend any director, officer or employee of the union, appoint other persons to replace them and fix their salary and sue or be sued in the name of the union.
- 624. In the management and control of the union, the board of trustees has the power to draw, accept, make or endorse any bill of exchange or promissory note in the name of or on behalf of the union; borrow money and secure the same on any property of the union; sell, dispose or alienate any immovable or movable property of the union; use the seal of the union; execute deeds, insurance, receipts and other instruments; and do all such things as the officers of the union may do.
- 625. The board may delegate in writing its duties to any person it designates. Individual members of the board are exempt from liability when exercising attributions in good faith.
- 626. Any person who hinders or obstructs the board of trustees or any delegate in the exercise of a power or function is guilty of an offence upon summary proceedings in accordance with the Summary Convictions Act. The person is liable to a fine of not less than \$500 nor more than \$10,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

626. The Act does not alter the rights or obligations of the union. The Act came into force on July 17, 1974 and will expire on April 30, 1976, or on any earlier date determined by the Lieutenant-Governor-in-Council.
627. On May 22, 1975, an Act respecting the placing of certain labour unions under trusteeship (Bill 29) received royal assent. The Québec National Assembly adopted Bill 29 for the purpose of placing local 144 (United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the U.S. and Canada), local 791 (International Union of Operating Engineers) and local 1677 (Fraternité interprovinciale des ouvriers en électricité) of the Québec Federation of Labour under trusteeship. The object of the Bill was also to prolong by three years the trusteeship of locals 89 and 101 (International Union of Elevator Constructors) of the QFL.
628. The Act establishes for each union a board of trustees consisting of a chairman and two other members appointed by the Lieutenant-Governor-in-Council to manage and control the three locals placed under trusteeship.
629. The board of trustees may exercise all the powers of the union, namely, remove or suspend any director, officer or employee of the union, replace them and fix the salary of such appointed person; sue or be sued in the name of the union; supervise the application of the decrees or collective agreements that apply; in the final months of the trusteeship prepare for the election by secret ballot of new members to manage the union; and subject to approval by the Lieutenant-Governor-in-Council make any amendments to the constitution or administrative by-laws of the union.
630. The board of trustees may delegate in writing any or all of its duties and powers to any person it designates. Any person who interferes or attempts to interfere in the affairs of the union by the use of violence, intimidation or threat is liable to a fine of not less than \$500 nor more than \$10,000, or to imprisonment for not more than two years or both such fine and imprisonment.
631. Transactions such as alienation, loan, advance, lease or any payment of an amount of money belonging to the union are voidable if made on or after May 9, 1975, otherwise than by decision of the board of trustees or its delegate. A judge of the Superior Court may, upon application by the board of trustees, declare void these transactions.
632. Within three months after the termination of each year or at the request of the Lieutenant-Governor-in-Council, the chairman must send to the latter a report of the management and control of the union.
633. Bill 29 amends an Act adopted by the Québec National Assembly which received royal assent on July 17, 1974, namely, an Act respecting the placing of the "International Union of Elevator Constructors, locals 89 and 101" under trusteeship.

634. The amendment provides that the board of trustees may amend the constitution or by-laws of the union subject to approval by the Lieutenant-Governor-in-Council; it may remove or suspend any director, officer or employee of the union and appoint such persons to replace them; sue or be sued in the name of the union; establish labour union education programs; ensure that new business agents and job-site stewards are trained; supervise the application of decrees and collective agreements that apply; prepare the election of new members; and form negotiating committees.
635. The amendment also provides that the registers, books or documents respecting property of the union must be transferred to the board of trustees. Directors, officers or personnel members of the union who are removed or suspended must immediately cease all acts of administration. Failure to comply with these provisions may result in a fine of not less than \$1,000 for each day of default or to imprisonment for not more than two years, or to both such fine and imprisonment.
636. The expiry date of the Act adopted in 1974 is reported from April 30, 1976 to May 22, 1978. Bill 29 which came into force on May 22, 1975, will expire on May 22, 1978, also.
637. On May 22, 1975, Bill 30, an Act to amend the Construction Industry Labour Relations Act, received royal assent. Bill 30 contains provisions relating to job-site stewards, business agents, intimidation by the employer and penalties for infringements of the Act.
638. The Act provides that any person found guilty in Canada or elsewhere of common assault, mischief, assault that causes bodily harm, theft, intimidation, trafficking in drugs or conspiracy to commit any of such acts cannot act as union executive or representative, business agent or job-site steward.
639. Unless a pardon is granted, the disqualification subsists for five years after the term of imprisonment, or from the date of conviction in the case of a sentence to a fine, or suspended sentence.
640. Conviction for murder, attempted murder, manslaughter, robbery, extortion, arson, breaking and entering, fraudulent misuse of funds, kidnapping, intentionally causing bodily harm with intent to wound, disfiguring a person or endangering the life of any person or conspiring to commit any of such acts prevents any person from acting as union executive or representative, business agent or job-site steward unless a pardon has been granted.
642. Any person who contravenes these provisions is liable to a fine of not less than \$1,000 for every day or part of day during which the offence continues or to imprisonment for not more than two years, or to both such fine and imprisonment.

642. Bill 30 provides that no employee association, agent or representative is to encourage a strike or slowdown of work and no employers' association, administrator or officer is to support a lockout during the term of a decree. At proceedings following such strike, slowdown of work or lockout, the proof devolves on the accused that he did not order, encourage or support it or that he did not take part therein.
643. Proceedings must be instituted by the Attorney-General or by a person generally or specially authorized by him for such purpose.
644. The Construction Industry Labour Relations Act is amended by the addition of special provisions relating to the functions of job-site steward.
645. Bill 30 provides that every union is entitled to be represented by a job-site steward on the job-site where the employer employs at least seven persons who are members of such union. Every job-site steward must be elected by secret ballot by a majority of the members of the union already employed by the employer and from such members. Every subsequent increase of 50 job-site employees entitles the employees to elect one additional steward.
646. The job-site steward must furnish a reasonable amount of work. During working hours, he may inquire into disputes concerning the application of the decree. The time allocated for union activities may not exceed three hours per working day, however, where the job-site steward has to leave his work for a longer period of time he must account for his prolonged absence to his employer.
647. Bill 30 provides for preference of employment, vocational training and a three working days notice of layoff for job-site stewards.
648. Bill 30 establishes that an employee working under dangerous conditions may not refuse to install or handle materials when ordered by the employer, and no union may oblige or attempt to force an employee to refuse such work unless it is not related to the employee's job or trade. Infringement of these provisions may result in fines of \$500 to \$10,000. No collective agreement may contain a clause relating to refusal of work under dangerous conditions.
649. Provisions relating to intimidation of union members have been amended. No employer, or person acting for an employer or an employers' association may endeavour to intimidate a person because he is a member or officer of an employee association, to compel a person to become or refrain from becoming a member, or to incite a person to leave one association of employees to become member of another.
650. To refuse to employ a person, dismiss or threaten to dismiss him, impose a disciplinary penalty on him, refuse a promotion to which a person is entitled to or to have recourse to favouritism is deemed to be intimidation.
651. An employee may be laid off, dismissed or transferred for a good and sufficient reason, the proof of which devolves upon the employer.

652. Provisions relating to the functions of a job-site steward may not be included in a collective agreement or decree. However, disputes give rise to recourses provided in the agreement or decree.
653. The provisions relating to the functions of the job-site steward will come into force on a date fixed by proclamation of the Lieutenant-Governor-in-Council.
654. Any person who orders, encourages or supports an illegal strike, work slowdown or lockout is liable to a fine as established in the Act.
655. Additional fines of \$500 to \$10,000 are provided in the Act where an employer or employer representative offers, gives or attempts to offer or give a loan or reward to a union representative, business agent or job-site steward. To obtain, accept or attempt to obtain such advantage by a union representative may result in identical fines.
656. Where the offence is committed by an employer or employee representative, a business agent or job-site steward, the court must declare such person disqualified to represent an employer or employee association for five years.
657. Bill 30 came into force on May 22, 1975.

Saskatchewan

658. On January 15, 1975, The Maintenance of Operations of Saskatchewan Power Corporation Act, 1975 (Bill 28), received royal assent. The Act provided for resumption of employment for striking employees in accordance with the terms and conditions of the collective agreement in force on December 31, 1974.
659. Every person authorized on behalf of the union to bargain collectively with the corporation had to give notice to the employees that any declaration, authorization or direction to go on strike became invalid by reason of the coming into force of the Act.
660. Return to work was not to be prevented or impeded by any officer or union representative. The corporation was not to refuse to permit any employee to resume the duties of his employment or discharge or discipline any such employees.
661. The term of the collective agreement in force on December 31, 1974, was extended to the day on which a new agreement would be concluded. Terms and conditions of the extended agreement became binding upon the parties.
662. Bill 28 prohibited strikes and lockouts during the extended term of the collective agreement.

663. The Act provided that unresolved matters be submitted to final and binding arbitration. Judge Benjamin Moore of the District Court for Saskatchewan was appointed arbitrator by the Act. The arbitrator had the power to determine his own procedure and all powers given to a commissioner under The Public Inquiries Act.
664. According to the Act, the arbitrator's decision is to be confined to matters not agreed upon by the parties and other matters that appear necessary to the arbitrator. Arbitration procedures are discontinued where before they are completed the corporation and the union have settled all matters in dispute. The Minister of Labour must be notified accordingly by the arbitrator.
665. The arbitrator must render his decision within one month after receiving the notice sent by each party setting forth the matters to be examined. The arbitrator must provide the Lieutenant-Governor-in-Council, the corporation and the union with his written decision.
666. The parties had to give full effort to the arbitrator's decision by concluding a collective agreement incorporating such terms and conditions established by the arbitrator.
667. Bill 28 provides that where an employee has failed to resume the duties of his employment, upon application of the corporation, a judge of the Court of Queen's Bench may make an order requiring the employee to comply with the legislation. The corporation is subject to similar measures.
668. Bill 28 provides for penalties in case of infringement of the Act. A fine of not more than \$1,000 is established where an offence is committed by the corporation or a person acting on behalf of the corporation. A further fine of \$200 for each day or part of a day during which the offence continues is also provided by the Act.
679. Any person engaging in a strike against the corporation is liable to a fine of not more than \$100 and to a further fine of \$25 for each day or part of a day during which the offence continues.
670. Bill 28 provides that the Act comes into force on the day of assent and remains in force until the day on which the arbitrator files in the office of the Provincial Secretary a notice to the effect that the corporation and the union have concluded a collective agreement.

V. INDUSTRIAL SAFETY AND HEALTH

671. During the past year, the Northwest Territories issued a new safety ordinance and changes were made in the safety legislation of six provinces, the federal jurisdiction and the Yukon Territory.
672. A new ordinance respecting the safety of workers has been issued in the Northwest Territories and came into force on April 1, 1975. The main content of this safety ordinance is similar in many ways to Part IV (Safety of Employees) of the Canada Labour Code. However, some changes were made to adapt the legislation to the Northwest Territories situation.

Application

673. The ordinance applies to any work, undertaking or business carried on in the Northwest Territories and any safety regulations made under it will be in addition to those already established.

Administration

674. The Commissioner is to appoint a chief safety officer who will have general supervision and direction of all safety officers in carrying out and enforcing the provisions of the Ordinance and the regulations.
675. The Commissioner will have the power to undertake research or inquiries into the cause of accidents and the means of prevention. He will also develop and promote safety education programs as he considers it appropriate.
676. The powers and duties of safety officers are outlined in the ordinance and are generally similar to what is found in Part (IV) of the Canada Labour Code.
677. A safety officer may give directions in writing for the carrying out of anything regulated, controlled or required by the ordinance or the regulations and he may require that his directions be carried out within such time as he specifies.
678. In case of imminent danger to the safety or health of workers, the safety officer is to notify the employer or person in charge of the establishment of the danger and give directions in writing to the employer or person in charge, directing him within such period of time as he specifies, to take measures for alleviating or reducing the danger and to protect any person from it. When the safety officer considers that this cannot be done immediately, he may direct that the place, matter or thing must not be used until his directions are complied with.

Appeal from an Employer

679. Where any person is aggrieved by a direction or decision of a safety officer, he may, within 30 days from the date the direction or decision is made, appeal to the chief safety officer who will render his decision 30 days after receiving the appeal. If the appellant is dissatisfied with any direction or decision of the chief safety officer, he may, within 10 days after having received a copy of the decision, appeal to a judge by notice of appeal filed with the "Clerk of the Court".
680. An appeal to the chief safety officer or to a judge does not operate as a stay of any direction or decision given by a safety officer or the chief safety officer not to use a place, matter or thing.

Offence and Penalty

681. Provisions dealing with enforcement are included in the ordinance. Penalties exist not only for an employer but also for a person in charge of an establishment who is guilty of any offence.

General Safety

682. Three provinces, Ontario, Prince Edward Island and Saskatchewan have amended their general safety legislation.
683. In Ontario, an Act to amend the Industrial Safety Act, 1971, was proclaimed into force on May 17, 1975. The Loggers' Safety Act is repealed. Additions have been made to the Industrial Safety Act, 1971, and to the regulations under it to make the legislation applicable to logging.
684. Amendments to the Prince Edward Island Industrial Safety Regulations now require the maintaining of as steady a temperature as circumstances permit in all premises used by workers. In addition, underground or windowless premises in which work is normally performed must comply with appropriate standards of hygiene besides those relating to ventilation and illumination. This came into force April 26, 1975.
685. Effective February 1, 1975, workmen assigned to handle material must be instructed how to lift and carry material on an individual basis, the overriding factor being the physical conditions of each worker including sex and age when relevant.
686. In Saskatchewan, an Act to amend the Occupational Health Act, 1972, was assented to April 18, 1975. The term "employer" has been defined as a person, firm, association, body or corporation who or which has in connection with the operation of a place of employment or a working place one or more workers in his or its service.

687. The amendments include provisions outlining the general duties of employers and workers regarding safety and health. It has also been made clear that the Act and the regulations made under its authority apply to every employer and worker coming under the jurisdiction of the province.

Elevators and Lifts

688. Two acts have been passed to amend the Elevators and Lifts Act in Prince Edward Island. The amendments to the Act provide for the appointment of a chief inspector by the Minister responsible for the administration of the Act. The Minister is designated by the Lieutenant-Governor-in-Council.
689. When an elevating device is found to be unsafe by an inspector, he must give notice in writing to the owner and seal the elevating device. No person except an inspector has the authority to break or tamper with a seal.
690. In any proceedings for a violation of the section of the Act dealing with certificates of inspection, the onus is on the person charged to prove that he is the holder of a valid certificate or that he is not the owner of the elevating device. The maximum penalty for failure to comply with any provisions of the Act has been increased from \$100 to \$1,000.
691. The Lieutenant-Governor-in-Council may now make regulations respecting "construction hoists".

Boilers and Pressure Vessels

692. Effective September 10, 1974, Newfoundland's new Boiler and Pressure Vessel Regulations have replaced the Boiler and Pressure Vessel Regulations, 1963.
693. The Boiler and Pressure Vessel Regulations, 1974, contain provisions relating to the adoption of certain codes or standards, the issuance of a certificate of competency to inspectors and power engineers, the registration of pressure plants and the submission of designs for new boilers, pressure vessels and fittings coming under the Act. The regulations also govern the inspection and testing of any pressure plants.
695. An inspector, on presentation of his authority, may enter premises wherein he has reason to believe there is a steam boiler, pressure vessel or pressure plant and may make such inspection and inquiries as are necessary to determine whether or not the provisions of the regulations are complied with. An inspector inspects before use and inspects annually thereafter every boiler, pressure vessel or pressure plant in an area assigned to him. He may also make an inspection when he has reason to believe that such installation is unsafe.

695. The owner or operator of a boiler or pressure vessel must furnish the labour and material necessary for an inspection; if requested by an inspector he must fill the boiler or pressure vessel with water, remove any jacket or covering, and drill holes in any location designated by the inspector. The owner or operator must also bring to the attention of an inspector any defect which he knows or believes to exist and open the boiler or pressure vessel to have it thoroughly cleaned before inspection.
696. An inspector may cancel a certificate of inspection pertaining to a boiler or pressure vessel if the owner fails to comply with instructions given by an inspector in respect of the Act and the regulations within the time specified by the inspector or where, no time has been specified, within reasonable time.
697. In addition, the regulations provide for welders' qualification tests and regulate welding procedures.

Construction Safety

698. In Alberta, the Construction Regulations which had been in existence for one year have been replaced by new Construction Safety Regulations which came into force January 1, 1975. As in the past, the regulations cover such industries as building, construction, demolition, trenching, pipeline construction, excavating, tunnelling and shaft sinking.
699. The former regulations were rewritten and the safety requirements are now more detailed. New requirements for some hazards and dangerous equipment or installations have also been brought into the legislation. All employees and workers concerned with the use of radioactive substances must comply with the regulations made under the Atomic Energy Control Act (Canada). Commercially manufactured ladders, material and workmen's hoists, safety belts, lifelines and safety nets must meet the requirements of the Canadian Standards Association. Provision is also made to protect workers from falling materials, to ensure the safety of various types of scaffolds and to prevent an employee from falling into a material hopper, bin or chute.

Mining

700. An ordinance to amend the Mining Safety Ordinance was passed in Yukon. Women are no longer prohibited from doing underground work in a mine.
701. Formerly, a female person could be employed in a mine only if she was holding a position of management not requiring manual work, if she was employed in health services or was being trained in the course of her studies. Women could also occasionally enter the underground parts of a mine for the purpose of a non-manual occupation.
702. In Newfoundland, The Mines (Safety of Workmen) (Amendment) Regulations, 1974, provide that no substance can be used in any mine as fuel in or for an internal combustion engine of the compression-ignition type unless it conforms to certain specifications made by the Canadian Government Specifications Board.

Asbestos

703. Saskatchewan has adopted new Asbestos Regulations which became effective March 11, 1975. The regulations apply to every place of employment or working place at which any asbestos process is carried on except a process in connection with which asbestos dust cannot be given off.
704. Major provisions of the regulations, under the Occupational Health Act, ban the use of crocidolite (blue) asbestos and prescribe measures to prevent the release of asbestos dust into the workplace air. Where asbestos-free material cannot be substituted or effective exhaust ventilation installed, the new rules require that workers be provided with approved protective clothing and respiratory equipment and be trained in their use.
705. All persons who in the course of their employment are likely to be engaged in an asbestos process, or are otherwise liable to be exposed to asbestos dust, must be warned by the person in charge of the workplace of the dangers of asbestos and that the risk of injury to health is made greater by smoking.
706. All workers regularly engaged in an asbestos process must have an annual medical examination and no person may be regularly employed unless the employer is satisfied that a certificate of fitness has been issued to that person within the preceding period of 14 months.

Inspection Visits

707. The British Columbia Workmen's Compensation Amendment Act, which was assented to June 20, 1974, provides that employer and worker representatives have the right to accompany officers of the Workers' Compensation Board on all job site inspections.
708. The employer appoints the management representative and where a union is certified it appoints the worker representative. Where there is no union, the worker representative is selected by and from the workers on the Accident Prevention Committee.
709. Where there is more than one employer or union on a job-site, the officer of the board decides which employer or union will appoint a representative. That decision is made after considering which employer appears to be the prime contractor or to have the most workers on the site or workers with the greatest exposure to hazard, and considering which union appears to have the most members or which has the members with the greatest exposure to hazard.
710. An employer may object to the selection of a worker representative on the basis that the appointment would hamper production and another worker will then be chosen. But an employer may object to only one selection on that basis.
711. The worker representative continues to be entitled to the wages he would received if he were at his regular duties.

712. These provisions apply to inspection visits made on or after September 1, 1974.

Radiation

713. Saskatchewan's regulations under the Radiation Health and Safety Act and the federal regulations under the Radiation Emitting Devices Act have been amended.
714. In Saskatchewan, the amendments to the regulations concern vendors and operators of radiation equipment. In the case of manufacturing or design shortcomings of radiation equipment or associated apparatus, the vendor must notify the Minister of Labour in writing of particulars related to himself, the products or actions if any which have been taken to remove from operation or retrofit any assembly or component.
715. Every vendor or operator must provide the Minister with a copy of any maintenance schedules and inspection check lists that have been established by the manufacturer or that have been devised for use by the operator.
716. A non-radiation accident which has caused injury to any person arising from the manufacturing, testing or use of radiation equipment and associated apparatus must be reported in writing to the Minister by the vendor or operator. The inspection of newly installed equipment must also be reported by the vendor.
717. Amendments to the Federal Radiation Emitting Devices Regulations brought microwave ovens under coverage. The standards of design, construction and functioning of microwave ovens are now regulated as is the case for other radiation emitting devices such as television receivers and extra-oral dental X-ray equipment.

Explosives

718. An Act to amend the Explosives Act was passed by the Senate of Canada and has not yet been proclaimed in force. The main goal of the Bill is to modernize the terminology of the Act, to provide for a more efficient control over the purchase, possession and transportation of explosives and also to increase certain penalties.

Building Code

719. An Act to provide for an Ontario Building Code is awaiting proclamation. The Bill provides the statutory authority for the establishment and enforcement of an Ontario Building Code to replace the existing building standards established by municipal by-law and the provincial plumbing code. The enforcement in municipalities will remain with the municipalities.

VI. WORKMEN'S COMPENSATION

720. Several jurisdictions made changes in their workmen's compensation legislation during the last 12 months. Saskatchewan passed a new Act, The Workers' Compensation Act, 1974, to replace The Workmen's Compensation (Accident Fund) Act. Amendments were also made to the Acts of British Columbia, Manitoba, Nova Scotia, Ontario and Prince Edward Island; in the first two provinces the title of the Act has been changed to "The Workers' Compensation Act"; this is now standard in the four western provinces. In the Northwest Territories, a revised Workers' Compensation Ordinance, effective October 1, 1974, has been issued and provides for the creation of a board to administer the legislation.

Creation of a Board

721. A Workers' Compensation Board has been established in the Northwest Territories to administer the Workers' Compensation Ordinance. The Board consists of three members appointed by the Commissioner for a term not exceeding five years, however, any member whose term has expired is eligible for reappointment.
722. The Commissioner may appoint one member to be Chairman of the Board. Two members of the board constitute a quorum and the board may appoint a medical adviser to assist it in its proceedings.
723. The board has power to determine all matters and questions arising under the Ordinance. This task was formerly performed by the Commissioner or a referee appointed by him.
724. Any action or decision of the board is final and is not open to review in any court except where there has been a denial of natural justice or an excess of jurisdiction exercised by the Board.
725. All decisions and rulings of the board must be given according to the justice and merits of the case and the Board must from the circumstances of the case, the evidence adduced and medical opinion draw all reasonable inferences and presumptions in favour of the worker.
726. In the case an amount awarded as compensation by the board is not paid within 30 days of the day on which the award was made or required to be paid, whichever is applicable, the Board, the worker or any dependent may file a certificate embodying the substance of the order with the clerk of the court and this certificate is deemed to have the same effect as if it were a judgment of the Court.

Coverage

727. The new Northwest Territories Ordinance applies to employers in all industries in the Territories except those exempted by a regulation of the Board. However, employers are not liable to pay compensation in the case of casual workers, domestic servants, outworkers or members of the legal, medical, accounting, dental or pharmaceutical profession; the industries of farming and ranching have been removed from this list of excluded occupations.
728. Persons working in the public interest, whether they are paid or not, may be brought under the scope of the Ordinance by the Commissioner, upon such terms and conditions as he directs, and are deemed to be employees of the Government of the Northwest Territories for the purposes of the Ordinance. The Commissioner may also deem to be workers employed by the Government of the Northwest Territories any person or class of persons enrolled in a vocational or training program approved by him.
729. In Saskatchewan, where a union represents a worker or workers in an industry not within the scope of the Act, the employer may submit an application for coverage only with the consent of the union.
730. Effective June 1, 1975, the industry of commercial fishing is excluded from the operation of The Workers' Compensation Act, 1974.
731. Amendments to British Columbia's Act have expanded the circumstances in which coverage is available to work study and self-improvement programs. In the case of a person or group of persons engaged in a work study or any other program of self-improvement involving work, whether payment is received or not, the board may admit the people concerned as being within the scope of Part I of the Act upon an application of an employer or a program organizer. The board may also with the approval of the Lieutenant-Governor-in-Council, deem any person or group engaged in such program to be workers of the Crown in Right of the Province and to be covered by Part I of the Act.
732. In Manitoba, the Lieutenant-Governor-in-Council may by order declare any persons or class of persons to be workmen in the employment of the Government. Except as otherwise directed, such workers are to be compensated in accordance with special provisions which set out the income on which compensation is to be based for temporary and permanent disability.
733. The Lieutenant-Governor-in-Council may also by regulation include any industry within the application of Part I of the Act, and in so doing he may provide that the regulation applies to a part or the whole of the province.

734. Part I of the Newfoundland's Act now applies to the industries of whaling, sealing and farming. Persons involved in the industry of fishing, whaling or sealing who are remunerated by shares or who are employed on a boat, vessel or ship provided by the employer are deemed to be workmen for the purpose of the Act. The Workmen's Compensation Act, 1948, which applied to certain classes of commercial fishermen was repealed July 3, 1973. However, accidents that occurred before that date continue to be under the operation of the Act.
735. In Québec, municipal corporations, school boards and local enterprises of maritime transportation are now included in the category of industries in which employers are liable to contribute to the accident fund. This came into force February 21, 1975. However, the enforcement of the regulation with respect to municipal corporations and school boards will be distributed over a period not exceeding three years to permit each one to respect the maturity of the insurance contracts which are currently in force.

Earnings Ceiling

736. Effective July 1, 1974, the ceiling on maximum annual earnings on which compensation payments are based was increased from \$8,400 to \$10,000 in Saskatchewan, from \$8,000 to \$10,000 in Manitoba and from \$10,000 to \$12,000 in Ontario. In British Columbia, the new maximum annual wage is now \$12,100 effective January 1, 1975. This reflects an increase in average wages and salaries in the province. Northwest Territories raised its ceiling to \$10,000 for accidents occurring after September 30, 1974, and there were two increases of \$1,000 in Prince Edward Island bringing the ceiling up to \$8,000 effective January 1, 1975, and to \$9,000 on January 1, 1976.
737. Amendments to the legislation of Manitoba and Saskatchewan provide that the income ceiling will be increased by \$1,000 increments whenever 10% or more workers injured during the preceding year are earning incomes in excess of the maximum average earnings applicable at that time.
738. In British Columbia, a new formula adjusting earnings ceilings has been introduced. Prior to the end of each year the Board determines the maximum wage rate for the following year; the amount is established in relation with the annual average wages and salaries in the province for the preceding year.
739. The maximum annual earnings insurable in respect of a member of a municipal volunteer fire brigade and firefighter covered by the Manitoba Act have been increased from \$8,000 to \$10,000 per year in respect of injuries occurring on or after July 1, 1974.

Benefits to Dependants

740. Allowances paid to dependants of workers fatally injured have been increased in five provinces and the Northwest Territories. A new system based on the pension the deceased worker would have received for permanent total disability has been introduced in British Columbia and Manitoba.
741. In the case of the death of a worker in British Columbia, the funeral expenses were increased from \$380 to \$699.15 and for incidental and transportation expenses from \$120 to \$233.05 effective July 1, 1975.
742. A new system of compensation for deaths occurring on or after July 1, 1974, is included in The Workmen's Compensation Amendment Act, 1974. A widow or invalid widower with two or more children is to receive an amount equal to the pension the deceased worker would have received for permanent total disability plus \$75.74 per month for each child beyond two in number. Federal benefits payable under the Canada Pension Plan as a result of the death or because the spouse has retired or reached retirement age are included in the amount.
743. A widow or an invalid widower with one child is to receive 85% of the permanent total disability pension (federal benefits included).
744. A widow of 50 years or over at the date of death or an invalid spouse is entitled to 60% of the permanent total disability pension (federal benefits included).
745. A capital sum of \$11,652.62 is given to a widow under 40 years at the date of death or to a widower where there are no dependent children and the surviving spouse is not an invalid.
746. A widow who is not invalid, has no dependent children and is between the age of 40 and 50 years at the date of death is entitled to a minimum amount of \$244.70 per month plus a proportion (according to the age) of the difference between this amount and what is received by a widow of 50 years or over. A table showing the various proportions is included in the Act.
747. Where there is no surviving spouse or common-law wife eligible for monthly payments, a dependent child under 18 or 21 if attending school, or an invalid child is entitled to a monthly payment that equals 40% of the permanent disability pension when combined with federal benefits. For two children the percentage is 50% and when there are three or more the proportion is 60% plus \$75.74 per month for each child beyond three in number.
748. The minimum allowances payable to a widow or widower with one or more children, to a widow of 50 years or over, to an invalid spouse or to orphan(s) is calculated in each case in respect of a deceased worker with average earnings of \$8,156.83.

749. The period after which a common-law wife is entitled to compensation, provided that the worker does not leave a dependent widow, has been reduced by 50% to three years or one year where a child was born to the union.
750. Where compensation is being paid to dependants in respect of deaths occurring prior to July 1, 1974, and those dependants are not entitled to receive benefits under the Canada Pension Plan, a widow of 50 years of age or over, an invalid spouse, orphan(s) or a widow with children are entitled to additional monthly payments equal to \$101.39 for a spouse and \$31.46 for each child. Where dependants would qualify for such increases but for the fact that they are receiving benefits under the Canada Pension Plan and where the total amount they receive is less than what is provided under the Act, the amount is increased accordingly.
751. An Act to amend The Workmen's Compensation Act was passed in Manitoba. Allowances paid to widows or invalid widowers of employees fatally injured before January 1, 1974, went up by 66-2/3% from \$150 to \$250 monthly. Additionally, for children under age 16 allowances were increased to \$70 monthly from \$60, and for children over 16 continuing their education the amount went up to \$80 monthly from \$70.
752. A widow or an invalid widower cannot receive less than \$250; where there is one child, the minimum amount to the surviving parent is \$250 plus the allowance the child is entitled to; where there are two or more children \$250 plus any amounts payable for the two oldest children.
753. Where the dependants are orphaned children, the monthly payment for each child under the age of 16 has been increased from \$70 to \$80 and from \$80 to \$90 when education is being continued.
754. The monthly allowance granted to a workman's mother who was wholly dependent upon his earnings has been increased to \$250 from \$150.
755. Where a worker dies after December 31, 1973, the compensation to a widow or an invalid widower is to be the greater of a monthly allowance equal to the permanent total disability pension the workman would have been entitled to, if he had lived, or the compensation provided for deaths occurring before January 1, 1974, as mentioned above.
756. Where a workman who dies after December 31, 1973, leaves no surviving dependent spouse or where the dependent widow or invalid widower receiving compensation dies, other dependants' allowances are calculated according to the provisions of the Act which deal with deaths occurring before January 1, 1974.
757. Under its new Workers' Compensation Act, Saskatchewan has changed most provisions dealing with compensation to dependants in case of death.
758. The necessary funeral expenses have been increased from \$300 to \$400.

759. Benefits to a surviving dependent spouse were increased by 105% from \$133.90 to \$275 per month. Dependent spouses are entitled to benefits whether widow or widower. The monthly allowance received by a surviving spouse in respect of a child under 16 has been increased from \$52.50 to \$65 per month.
760. Where the only dependants are children under 16, they now receive an allowance of \$80 per month compared to \$68.25 previously.
761. The lump sum given in the case of death to a surviving spouse, or where the worker leaves no surviving spouse to a foster parent, is now \$500. This is an increase of \$200.
762. Where a worker leaves no dependent spouse, a common-law spouse is entitled to compensation provided that they have cohabited for a period of two years preceding the death of the worker. Formerly, the requirement was five years or three when a child was born.
763. Effective July 1, 1974, monthly payments to a dependent widow or widower in Ontario have been increased from \$250 to \$260 per month.
764. Amendments to the Prince Edward Island Act have increased the monthly allowance to dependent widows or invalid widowers from \$100 to \$150 and the additional payment to each child under 16 was increased from \$30 to \$40. This takes effect on April 1, 1974.
765. Where the dependants are children, the monthly payment is now \$50 compared to \$40 previously.
766. The revised Northwest Territories Ordinance includes some changes dealing with the payment of benefits to dependants.
767. The funeral maximum expenses have been increased from \$300 to \$500. Necessary expenses are allowed for the transportation of the body within the limits of the Territories.
768. Where the accident occurred after September 30, 1974, the lump sum payable to a dependent widow or dependent widower is increased to \$500 from \$300.
769. In the case of deaths occurring after September 30, 1974, a dependent widow or widower is entitled to a monthly payment of \$250. An additional amount of \$70 per month is paid for children under 16 or for so long as, in the opinion of the board, it might reasonably have been expected that had the worker lived he would have continued to contribute to the support of the child. Monthly payments made in respect of an invalid child of any age have also been increased to \$70.
770. Orphan children receive the same allowances as children with a parent. However, children under 16 or attending school and invalid children of any age are entitled, in the discretion of the board, to an additional amount of \$10 per month.

771. A dependent common-law husband and a foster father are now entitled to receive compensation in the same manner as a common-law wife or a foster mother.
772. The age limit of 21 for compensation to children attending school has been lifted. Now a child who makes progress at any school satisfactory to the board may receive payments until he is granted a university degree for the first time or completes a course in technical or vocational training.

Marriage of Widow

773. The lump sum a dependent widow is entitled to receive because of marriage has been fixed at \$3,600 in Manitoba; previously she was entitled to a sum equal to the payments for two years.
774. In Northwest Territories the lump sum has been increased from \$1,500 to \$2,500 and a dependent widower, a common-law wife or common-law husband receiving compensation are also entitled to the payment.
775. The lump sum is equal to the payments for two years in British Columbia and Saskatchewan; the maximum amounts of \$2,500 and \$2,000 respectively, were lifted.

Disability Benefits

776. Seven jurisdictions have changed their legislation concerning disability benefits. The minimum compensation for permanent total and temporary total disability was increased; as outlined below:

	<u>Permanent Total</u>	<u>Temporary Total</u>
British Columbia	\$341.01 per month (formerly \$281)	\$78.69 per week* (formerly \$42.85)
Manitoba	\$250 per month* (formerly \$175)	\$250 per month* (formerly \$40 per week)
Ontario	\$260 per month (formerly \$250)	\$55 per week* (no change)
Prince Edward Island	\$45 per week* (formerly \$25)	\$45 per week* (formerly \$25)
Saskatchewan	\$75 per week (formerly \$40)	\$75 per week* (formerly \$40)
Northwest Territories	\$55 per week* (formerly \$40)	\$55 per week* (formerly 40)
Federal (Merchant Seamen)	\$45 per week* (formerly \$35)	\$45 per week* (formerly \$35)

* Or earnings, if less.

777. For temporary partial or permanent partial disability, workers receive a corresponding amount in proportion to the impairment or the diminution of earning capacity.
778. Effective July 1, 1974, an amendment to the Ontario Act provides that the total disability pension cannot be less than what would have been payable to dependants if the worker had died from the injury.
779. To keep in line with the economy, three provinces, Manitoba, Ontario and Saskatchewan have made provisions in their Act to upgrade disability pensions awarded in past years.
780. In Ontario full benefits to partially disabled workmen who are unable to find suitable employment will now continue as long as the workman is attempting to find employment or accepting training which the board may deem advisable.
781. The Northwest Territories Ordinance provides that a worker who is entitled to compensation because of an accident that causes temporary partial disability and who returns to suitable employment must be paid 75% of his loss of earnings for so long as the disability lasts. The ceiling on average earnings does not apply in this case but the amount cannot exceed the compensation the worker would have received for total temporary disability.
782. A new method of calculating permanent total disability pensions was introduced in Saskatchewan. Formerly, the "average wage" used as the base was the injured worker's weekly wage as averaged over the 12 months prior to the injury. From now on, the greater of either that figure or the employee's actual wage at the time of the accident is to be used.

Review of Benefits

783. The Northwest Territories Workers' Compensation Board is to review the provisions of the Ordinance respecting the amounts payable as compensation. It will lay before the Council, starting at the first session in 1976 and every two years thereafter, a report setting forth its opinion as to whether the amounts payable as compensation are adequate considering the economic circumstances in the Territories at that time. The report will also contain the recommendations of the board concerning the amounts payable.
784. In British Columbia, the provision tying compensation to the Consumer Price Index has been amended. It is now adjusted half-yearly starting July 1, 1974, and covers all payments made under the Act.

Principles Regarding the Determination of Claims

785. The Workers' Compensation Board of Saskatchewan is to provide reasons in writing for its decisions regarding cases in which it is unable to determine an issue in favour of the claimant.

786. Subject to other provisions of the Act, the board is not to reject the claim of a worker for compensation or reduce the amount of compensation to him by reason of a physical condition of the worker that was existing at the time of the injury if the condition had not prior to that injury, resulted in any physical disability to the worker and had not affected his ability to do his work.
787. Where a worker suffers an injury for which permanent disability compensation is payable and the worker was, at or about the time of the injury, undergoing training or instruction of a kind satisfactory to the board, the board may review the amount of compensation payable to the worker and may increase the compensation to an amount that fairly represents what it estimates the worker would have been earning upon the completion of the training or instruction.

Workers' Advocate

788. The Government of Saskatchewan, recognizing the need for an effective appeal mechanism from the decisions of the Workers' Compensation Board, appointed a Workers' Advocate.
789. The Workers' Advocate has the authority to receive complaints, examine board files and otherwise assist an injured worker or his dependants in obtaining compensation from the board. However, he may decline to provide his services in respect of any claim where he is of the opinion that the claimant does not have grounds for the compensation sought or has failed to pursue his claim for an undue length of time having regard to the circumstances of the case.

Workmen's Compensation Appeal Board

790. An Act to amend the Nova Scotia Workmen's Compensation Act was assented to March 27, 1975, and provides for the establishment of a Workmen's Compensation Appeal Board.
791. There must be at least a minimum of three members on the Appeal Board but not exceeding five members. One member must be designated as chairman and an assistant chairman may also be named.
792. Each member of the Appeal Board holds office for such period of time as is determined by the Governor-in-Council who may remove for cause any member at any time prior to the expiry of his term of appointment. Nevertheless, a member may be reappointed upon the expiry of his term of office.
793. Three members of the Appeal Board constitute a quorum and the decision on any appeal is the one of the majority.
794. A person aggrieved by a decision of the Workmen's Compensation Board may appeal to the Appeal Board on the following grounds:
- (1) the medical opinion upon which compensation was given or refused was erroneous or incomplete; or

- (2) a greater functional disability exists than that found by the Board; or
- (3) a continuance of compensation beyond the period allowed by the Board is required.

795. A party wishing to appeal a decision of the Workmen's Compensation Board must serve a written Notice of Appeal upon the board, the Appeal Board and any other parties interested in the decision. Such notice must be filed with the Appeal Board within 90 days from the day the board's decision was communicated to the person appealing, or within such future time as the Appeal Board may allow not exceeding 90 days from the date such extension is given.
796. Except as provided in the Act, a decision of the Appeal Board is final and binding. However, it may be rescinded or amended where new facts are presented as evidence.
797. Where it makes a determination as to the entitlement of compensation of an appellant, the Appeal Board must advise the appellant, the employer and the board within 30 days of the particulars of its determination, and must provide a summary of its reasons including medical reasons, for its decision, upon request.
798. An appeal may be made to the Appeal Division of the Supreme Court for any final decision of the Appeal Board upon any question as to its jurisdiction or upon any question of law but such appeal can be taken only by leave of a judge of the Appeal Division. An application for such a leave must be made 30 days after the rendering of the decision.

Compensable Industrial Diseases

799. In British Columbia the Workers' Compensation Board has recognized a certain number of industrial diseases that are sometimes due to the nature of an employment covered by the Act. It is important to distinguish between the recognition of an industrial disease as being within the meaning of the Act and the adding of an industrial disease to the schedule in which compensable diseases are listed.
800. Where it appears to the board that a disease is more likely to occur in a particular process or industry than elsewhere, it may be added to the schedule included in the Act. The consequence of this for claims decisions is that no evidence is then required initially to establish that the disease was due to the nature of the employment. It is deemed to have been due to the nature of employment indicated in the schedule unless the contrary is proved.
801. Where it appears to the board that a disease is sometimes due to the nature of an employment covered by the Act, but it does not appear that the disease is more likely to occur in a particular industry or process than elsewhere, the board may designate or recognize the disease as being within the meaning of the Act. The consequence of this for claims purposes is that a disablement resulting from the disease is compensable, but only if it appears from evidence that the disease is due to the nature of any employment in which the worker was employed.

Surviving Spouse

802. Where a compensation is payable under Part I of the British Columbia Act as the result of the death of a worker, the Board may make provisions and expenditures for the training or retraining of a surviving dependent spouse. This applies from July 1, 1974, whether the death occurred before or after that date.
803. The Saskatchewan Board may make such expenditures as it considers necessary to encourage dependent spouses of deceased workers to become self-sufficient.

DISPOSITION OF BILLS

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a Bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading, each Bill is referred to a committee to undergo detailed study and possibly amendment. Committees can be of three main kinds: standing committees, special or sessional committees, and committees of the whole House.

After third reading and adoption, a Bill then must receive royal assent. The law is then effective or functional in whole or in part according to the "date in force" ascribed to it. This date may be indeterminate.

An index of Bills introduced or passed during the period starting July 1, 1974 and ending June 30, 1975, is attached to this report. The date of disposition of Bills is mentioned unless the information was not available (N.A.) at the time the index was prepared.

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
Federal		<u>Government Bills</u>	
<u>1974</u>	C-2	Combines Investigation Act	2nd reading 28/10/74
	C-4	An Act to amend the War Veterans Allowance Act & The Civilian War Pensions & Allowances Act	Royal Assent 27/11/74
	C-6	An Act to establish a Canada Manpower & Immigration Council	1st reading 02/10/74
	C-8	An Act to establish a national petroleum company	3rd reading 10/07/75
	C-12	An Act to provide for the resumption of grain handling operations on the west coast of Canada	Royal Assent 10/10/74
	C-16	An Act to amend certain statutes to provide equality of status thereunder for male and female persons	2nd reading 26/06/75
	C-25	An Act to protect human health and the environment from substances that contaminate the environment	2nd reading 24/03/75
	S-17	An Act to amend the Explosives Act	Royal Assent 21/11/74
<u>1975</u>	C-56	An Act to provide for the Resumption and Continuation of Longshoring and Related Operations at Ports on the West Coast of Canada	Royal Assent 24/03/75
	C-59	An Act to Provide for the Resumption and Continuation of Longshoring, Checking, Cargo Repairing and Related Operations at Certain Ports in the Province of Quebec	Royal Assent 24/04/75
	C-60	An Act respecting Bankruptcy and Insolvency	1st reading 05/05/75

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u>	
<u>1974</u>	C-202	An Act to amend the Canada Pension Plan (housewives' contributions and benefits)	1st reading 15/10/74
	C-204	An Act to establish the Office of Ombudsman	1st reading 15/10/74
	C-208	An Act respecting Heritage Day	2nd reading 18/03/75
	C-212	An Act to amend the Unemployment Insurance Act, 1971	1st reading 15/10/74
	C-231	An Act to amend the Holidays Act	1st reading 15/10/74
	C-236	An Act to amend the Unemployment Insurance Act	1st reading 15/10/74
	C-237	An Act to amend the Canada Labour Code (fair employment practices)	1st reading 15/10/74
	C-240	An Act respecting Sir John A. Macdonald Day	1st reading 15/10/74
	C-243	An Act to amend the Canada Pension Plan	1st reading 15/10/74
	C-247	An Act respecting noise in factories	1st reading 15/10/74
	C-249	An Act to amend the Canada Labour Code (provision for ten general holidays with pay)	1st reading 15/10/74
	C-256	An Act to amend the Canada Labour Code (increased minimum hourly wage)	1st reading 15/10/74
	C-265	An Act to amend the Canada Pension Plan	1st reading 15/10/74
	C-267	An Act respecting employment with the Government of Canada not covered by the Public Service Employment Act	1st reading 15/10/74

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
Federal (continued)			
	C-274	An Act to amend the Public Service Employment Act	1st reading 15/10/74
	C-280	An Act to amend the Canada Labour Code	1st reading 15/10/74
	C-295	An Act to amend the Canada Labour Code (age or sex discrimination)	1st reading 15/10/74
	C-300	An Act to amend the Public Service Employment Act	1st reading 15/10/74
	C-307	An Act to amend the Canada Elections Act (leave of absence)	1st reading 15/10/74
	C-308	An Act to amend the Canada Labour Code	1st reading 15/10/74
	C-311	An Act to amend the Canadian Citizenship Act (time off without loss of pay for appearance in Citizenship Court)	1st reading 15/10/74
	C-320	An Act to amend the Holidays Act	1st reading
	C-325	An Act to amend the Pension Benefits Standards Act	1st reading 15/10/74
	C-326	An Act to amend the Public Service Employment Act (discrimination as to age or physical handicap or health)	1st reading 15/10/74
	C-332	An Act to establish the Office of Parliamentary Commissioner	1st reading 15/10/74
	C-335	An Act proclaiming the Canadian Flag Day a national holiday	1st reading
	C-340	An Act to amend the Unemployment Insurance Act, 1971	1st reading 15/10/74
	C-343	An Act to amend the Canada Labour Code (three weeks annual vacation)	1st reading 15/10/74

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
Federal (continued)			
	C-350	An Act to amend the Canada Labour Code (three weeks annual vacation after three years)	1st reading 15/10/74
	C-354	An Act to amend the Canada Labour Code (discrimination as to age or physical handicap or health)	1st reading 15/10/74
	C-357	An Act to amend the Public Service Staff Relations Act	1st reading 15/10/74
<u>1975</u>	C-378	An Act respecting Women in Industry	1st reading 18/02/75
	C-382	An Act to amend the Canadian Bill of Rights	1st reading 13/03/75
	C-386	An Act to amend the Canada Labour Code	1st reading 26/03/75
Alberta		<u>Government Bills</u>	
<u>1974</u>	52	The Alberta Labour Amendment Act	Royal Assent
	81	The Boilers & Pressure Vessels Act, 1974	1st reading 01/11/74
<u>1975</u>	3	The Boilers & Pressure Vessels Act, 1975	1st reading 27/01/75
	14	The Ombudsman Amendment Act	Royal Assent 26/06/75
	20	Worker's Compensation Amendment Act, 1975	Royal Assent 25/06/75
	31	Boilers and Pressure Vessels Act, 1975	Royal Assent 25/06/75
		<u>Private Members' Bills</u>	
<u>1975</u>	209	An Act to Amend the Individual's Rights Protection Act (No. 3)	1st reading 29/01/75
	218	The Tips and Gratuities Act, 1975	1st reading 04/02/75

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
Alberta (continued)			
	221	An Act to Amend the Ombudsman Act	1st reading 06/02/75
	227	Alberta Action Council on the Status of Women Act	1st reading 13/02/75
British Columbia		<u>Government Bills</u>	
<u>1974</u>	119	Worker's Compensation Amendment Act, 1974	Proclaimed (in part) 25/06/75
	162	Statute Law Amendment Act, 1974	Royal Assent 20/06/74
	164	Essential Service Continuation Act	Royal Assent 09/08/74
	168	Elevator Construction Labour Disputes Act	Royal Assent 26/11/74
	173	Public Schools Interim Arbitration Procedure Act	Royal Assent 26/11/74
<u>1975</u>	75	Status of Men and Women Amendment Act	Royal Assent 09/06/75
	83	Public Schools Amendment Act, 1975	Royal Assent 26/06/75
	84	Labour Code of British Columbia Act, 1975	Royal Assent 26/06/75
	94	Coal Mines Regulation Amendment Act	Royal Assent 26/06/75
	105	Workers' Compensation Amendment Act, 1975	Royal Assent 26/06/75
	125	Mines Regulation Amendment Act, 1975	Royal Assent 26/06/75
	135	Public Service Labour Relations Amendment Act, 1975	Royal Assent 26/06/75
	145	Human Rights Code of British Columbia Act	1st reading 26/06/75

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
British Columbia (continued)			
		<u>Private Members' Bills</u>	
<u>1974</u>	67	An Act to amend the Labour Code of British Columbia	1st reading 06/05/74
<u>1975</u>	66	British Columbia Noise Control Act	1st reading 23/03/75
	128	British Columbia Ombudsman Act	1st reading 05/06/75
Manitoba			
		<u>Government Bills</u>	
<u>1974</u>	7	An Act to amend the Civil Service Act	3rd reading 10/06/74
	44	An Act to amend the Workmen's Compensation Act	Royal Assent 14/06/74
	90	The Human Rights Act	Royal Assent 14/06/74
<u>1975</u>	28	An Act to amend the Employment Standards Act	Passed /06/75
	29	Payment of Wages Act	Passed /06/75
	62	The Statute Law Amendment Act, (1975)	2nd reading 16/06/75
New Brunswick			
<u>1974</u>	18	An Act to amend the Human Rights Act	Royal Assent 16/04/74
	44	The Closing of Retail Establishments Act	Proclaimed 16/09/74
	57	An Act to amend the Minimum Employment Standards Act	Royal Assent 22/05/74
	70	An Act to amend the Public Service Labour Relations Act	Royal Assent 31/05/74

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
New Brunswick (continued)			
<u>1975</u>	65	New Brunswick Day Act	Royal Assent 13/06/75
	66	An Act to amend the Interpretation Act	Royal Assent 13/06/75
	72	An Act to amend the closing of Retail Establishments Act	Royal Assent 13/06/75
	86	An Act to amend the Industrial Relations Act	Royal Assent 13/06/75
	87	Advisory Council on the Status of Women Act	2nd reading 13/06/75
	89	Police Act	2nd reading 13/06/75
	91	An Act to amend the Minimum Employment Standards Act	Royal Assent 13/06/75
Newfoundland			
		<u>Government Bills</u>	
<u>1974</u>	50	An Act respecting the Newfoundland Teachers' Association	N.A.
	58	The Barbers and Hairdressers Shop closing (Amendment) Act, 1974	N.A.
	61	The Public Service (Collective Bargaining) (Amendment) Act, 1974	N.A.
	88	An Act further to amend the Hours of Work Act	N.A.
	115	An Act further to amend the Attachment of Wages Act	N.A.
	117	An Act further to amend the Emergency Measures Act	N.A.
	125	An Act further to amend the Newfoundland Human Rights Code	N.A.

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
Newfoundland (continued)			
	129	An Act further to amend the Labour Relations Act	N.A.
<u>1975</u>	44	An Act further to amend the Workmen's Compensation Act	N.A.
	53	An Act to amend the Constabulary Act	N.A.
	66	An Act to amend the Regulation of Mines Act	N.A.
	72	An Act to amend the Newfoundland Engineering Profession Act	N.A.
	80	An Act to amend the Newfoundland Teacher (Collective Bargaining) Act, 1973	N.A.
	88	An Act to Revise Existing Legislation respecting the Fishing Industry Advisory Board	N.A.
Northwest Territories		<u>Government Bills</u>	
<u>1974</u>	6	Labour Standards Ordinance (Amendment)	Royal Assent 08/02/74
	9	Safety Ordinance (New)	Royal Assent 28/06/74
	11	Workers' Compensation Ordinance (Revision)	Royal Assent 28/06/74
Nova Scotia			
<u>1974</u>	63	An Act respecting Collective Bargaining for Teachers	Royal Assent 27/11/74
	71	An Act to amend the Labour Standards Code	Royal Assent 28/06/74
	99	An Act to amend the Ombudsman Act	Royal Assent 27/11/74

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
Nova Scotia (continued)			
	117	An Act to amend Chapter 172 of the Revised Statutes, 1967, the Lord's Day (Nova Scotia) Act	Royal Assent 27/11/74
	134	An Act to amend the Human Rights Act	Royal Assent 27/11/74
<u>1975</u>	118	An Act to amend the Workmen's Compensation Act	3rd reading 27/03/75
	121	An Act to amend the Labour Standards Code	3rd reading 27/03/75
		<u>Private Members' Bills</u>	
<u>1974</u>	36	An Act to amend the Labour Standards Code	1st reading 06/06/74
	64	An Act to amend Chapter 109 of the Acts of 1968: The Teachers Profession Act	Royal Assent 27/11/74
	132	An Act to amend Chapter 10 of the Acts of 1972, the Labour Standards Code	1st reading 18/11/74
<u>1975</u>	39	An Act to amend the Human Rights Act	1st reading 17/02/75
	87	An Act to amend Chapter 19 of the Acts of 1972, The Trade Union Act	1st reading 05/03/75
	107	An Act to amend the Trade Union Act	1st reading 12/03/75
Ontario			
		<u>Government Bills</u>	
<u>1974</u>	9	An Act to amend the Ontario Human Rights Code	Royal Assent 02/12/74
	62	An Act to provide for an Ontario Building Code	Royal Assent 02/12/74
	116	An Act to amend the Workmen's Compensation Act	Royal Assent 28/06/74

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Legislature	Bill No.	Title	Disposition
Ontario (continued)			
	119	An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2	Royal Assent 31/08/74
	134	The Employment Standards Act, 1974	Royal Assent 20/12/74
	163	An Act to amend the Industrial Safety Act, 1971	Royal Assent 10/12/74
	166	An Act to amend the Fire Department Act	Royal Assent 10/12/74
	167	An Act to amend the Police Act	Royal Assent 10/12/74
	179	An Act to amend the Crown Employees Collective Bargaining Act, 1972	Royal Assent 14/02/75
<u>1975</u>	86	The Ombudsman Act, 1975	Royal Assent 03/07/75
	92	An Act to amend The Mechanics' Lien Act	Royal Assent 03/07/75
	93	The Ministry of Transportation & Communications Creditors Payment Act, 1975	Royal Assent 03/07/75
	94	An Act to repeal the Public Works Creditors Payment Act	Royal Assent 03/07/75
	100	An Act Respecting the Negotiations of Collective Agreements between School Boards and Teachers	2nd reading 17/06/75
	106	An Act to amend the Workmen's Compensation Act	Royal Assent 03/07/75
	108	An Act respecting Collective Bargaining for Colleges of Applied Arts and Technology	2nd reading 07/07/75

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Legislature	Bill No.	Title	Disposition
Ontario (continued)			
	109	An Act to amend The Ministry of Colleges and Universities Act, 1971	2nd reading 07/07/75
	111	An Act to amend the Labour Relations Act	2nd reading 02/07/75
	132	An Act respecting the Negotiation of Collective Agreements between the Provincial Schools Authority and Teachers	1st reading 27/06/75
<u>1974</u>		<u>Private Members' Bills</u>	
	122	An Act to amend the Employment Standards Act	1st reading 22/10/74
	171	An Act to provide for the Protection of Wages in Bankruptcy or Receivership	1st reading 05/12/74
	184	An Act to amend the Ontario Human Rights Code	1st reading 18/12/74
<u>1975</u>	17	Appointment of a Labour Ombudsman	1st reading 24/03/75
	19	An Act to amend the Ontario Human Rights Code	1st reading 25/03/75
	24	An Act to amend the Ontario Human Rights Code	1st reading 26/03/75
	25	An Act to provide for the Controlling of Hours in Retail Establishments	1st reading 26/03/75
	48	An Act to establish the Ontario Bill of Rights	1st reading 15/04/75
	61	An Act for the Promotion and Protection of the Health and Safety of Persons engaged in Occupations	1st reading 22/04/75
	71	An Act to provide Political Rights for Public Servants	1st reading 08/04/75

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Legislature	Bill No.	Title	Disposition
Ontario (continued)			
	82	An Act to amend The Ontario Human Rights Code	1st reading 23/05/75
	87	An Act to amend The Employment Standards Act, 1974	1st reading 27/05/75
	121	An Act to amend the Labour Relations Act	1st reading 23/06/75
	122	An Act to amend The Labour Relations Act	1st reading 23/06/75
Prince Edward Island			
		<u>Government Bills</u>	
<u>1974</u>	5	An Act to amend the Workmen's Compensation Act	Royal Assent 12/06/74
	16	An Act to amend the Elevators and Lifts Act	Royal Assent 12/06/74
	87	An Act to amend the Age of Majority Act	1st reading 06/11/74
<u>1975</u>	20	An Act to amend the Elevators and Lifts Act	Royal Assent 2/05/75
	29	An Act to amend the Workmen's Compensation Act	Royal Assent 02/05/75
	30	An Act to amend the P.E.I. Labour Act	Proclaimed 15/05/75
	32	An Act to amend the Civil Service Act	Royal Assent 30/05/75
	58	Human Rights Act	1st reading 20/05/75
	68	Provincial Building Code Act	1st reading 27/05/75
Québec			
		<u>Government Bills</u>	
<u>1974</u>	24	An Act to amend the Labour Code and other legislative provisions	1st reading 21/07/74

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Legislature	Bill No.	Title	Disposition
Québec (continued)			
	43	An Act respecting the placing of the "International Union of Elevator Constructors, locals 89 and 101" under trusteeship	Royal Assent 17/07/74
	49	Construction Industry Complementary Social Benefits Plans Act	1st reading 29/10/74
	50	An Act respecting Human Rights and Freedoms	Dropped (20/06/75) See new Bill 50, 1975
	95	An Act respecting collective bargaining in the sectors of education, social affairs and government agencies	Royal Assent 24/12/74
	201	An Act to amend the Construction Industry Labour Relations Act	Royal Assent 24/12/74
<u>1975</u>	27	An Act to amend the Industrial and Commerical Establishments Act	2nd reading 17/06/75
	29	An Act respecting the placing of certain labour unions under trusteeship	Royal Assent 22/05/75
	30	An Act to amend the Construction Industry Labour Relations Act	Royal Assent 22/05/75
	33	Building Contractors Vocational Qualification Act	2nd reading 10/06/75
	50	Charter of Human Rights and Freedoms	Royal Assent 27/06/75
		<u>Private Member's Bills</u>	
<u>1974</u>	99	An Act to amend the Labour Code	1st reading 07/05/74

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
Saskatchewan		<u>Government Bills</u>	
<u>1974</u>	4	An Act to amend the Ombudsman Act, 1972	Dropped 13/03/75
	44	An Act to amend the Labour Standards Act, 1969	Royal Assent 28/03/74
	77	An Act to amend the Teachers Collective Bargaining Act	Royal Assent 10/05/74
	80	The Workers' Compensation Act, 1974	Royal Assent 10/05/74
<u>1975</u>	28	An Act respecting certain Dispute between Saskatchewan Power Corporation and certain of its Employees	Royal Assent 15/01/75
	32	An Act to amend the Labour Standards Act, 1969	Royal Assent 11/04/75
	43	An Act to amend the Ombudsman Act, 1972	Royal Assent 11/04/75
	58	An Act to amend the Teacher Collective Bargaining Act, 1973	Royal Assent 11/04/75
	60	An Act to amend the Saskatchewan Bill of Rights	Royal Assent 18/04/75
	69	An Act to amend the Statute Law	Royal Assent 18/04/75
	70	An Act to amend the Occupational Health Act, 1972	Royal Assent 18/04/75
		<u>Private Member's Bill</u>	
<u>1974</u>	21	An Act to amend the Engineering Profession Act	1st reading 09/12/74
Yukon Territory		<u>Government Bills</u>	
<u>1974</u>	7	Ordinance to amend the School Ordinance	Royal Assent 27/06/74
	8	Ordinance to amend the Public Service Staff Relations Ordinance	Royal Assent 13/05/74

Index of Bills - July 1, 1974 - June 30, 1975

Legislature	Bill No.	Title	Disposition
Yukon Territory (continued)			
	17	Ordinance to amend the Fair Practices Ordinance	Royal Assent 26/04/74
	18	Ordinance to amend the Mining Safety Ordinance	Royal Assent 26/04/74
	22	Ordinance to amend the Labour Standards Ordinance	Royal Assent 13/05/74
<u>1975</u>	Ch. 6	Occupation Training Ordinance	Royal Assent
	10	An Ordinance to Repeal the Adult Occupational Training Agreements	Royal Assent 26/03/75
	14	An Ordinance to Amend the Labour Standards Ordinance	Royal Assent 26/03/75
	15	An Ordinance to Amend the Mining Safety Ordinance	Royal Assent 26/03/75

NOTES

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LEGISLATIVE REVIEW



NUMBER 6
DECEMBER 31, 1975



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LEGISLATIVE REVIEW

**NUMBER 6
DECEMBER 31, 1975**

CANADA DEPARTMENT OF LABOUR
LEGISLATIVE RESEARCH

Hon. John Munro, Minister
T.M. Eberlee, Deputy Minister

Foreword

The Legislative Review is a series of reports covering pertinent labour legislation enacted by the federal, provincial and territorial jurisdictions. Issue No. 6 covers the period from July 1, 1975 to December 31, 1975. This publication sets out the provisions enacted in the areas of apprenticeship and tradesmen's qualifications, employment standards, human rights, industrial relations, industrial safety and health, and workers' compensation.

The purpose of the publication is to inform the public in general of amendments to existing legislation and any new legislation and regulations that may affect its working life.

The present issue is co-authored by Michel Gauvin, Bill Langford, Nicole Marchand, Cal McKerral and Allan Nodwell.

J.P. Whitridge,
Acting Director,
Library and Information Services.

DEVELOPMENTS IN THE ENACTMENT AND
ADMINISTRATION OF LABOUR LAWS
IN CANADA

July 1, 1975 - December 31, 1975*

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I. APPRENTICESHIP AND TRADESMEN'S QUALIFICATIONS

1. In the field of apprenticeship and tradesmen's qualifications, the province of Alberta approved a new regulation setting out rules for the trade of "cabinet maker".
2. A person may become an apprentice cabinet maker even though not qualifying under the normal rules if:
 - (a) a local advisory board recommends that the person become an apprentice, and
 - (b) that person writes an examination set by the Director and attains a pass mark set by the Board.
3. An apprentice cabinet maker must serve:
 - (a) four terms (12 months and not less than 1600 hrs. each) in the cabinet maker program;
 - (b) two terms (12 months and not less than 1600 hrs. each) in the production cabinet maker program, of on-the-job and technical course training.
4. A person can transfer from one program to the other with the approval of the local advisory committee.
5. Previous experience may reduce the length of an individual's program.
6. Wages for an apprentice cabinet maker are 55%, 65%, 75%, and 85%, respectively, of the wages of a journeyman during each of the four years of the program. Comparable rates for a production cabinet maker are 65% and 75% in the two years of that program.
7. Wages must not, in any event, be lower than the prevailing minimum wage.
8. Employers need not pay wages to an apprentice during the time that an apprentice is attending technical courses.
9. Hours of work and working conditions must be the same for an apprentice as for a journeyman, while engaged in the work of an employer.
10. Prescribed examinations must be passed.
11. A new British Columbia regulation orders that as of July 2, 1976, persons in B.C. engaged in the trade of roofing, damp and water-proofing, must hold a current certificate of proficiency in respect of the trade.
12. Registered apprentices, persons engaged during a probationary period and others enumerated by the regulation are exempt from the new provision.

13. The period of apprenticeship in the trade is now three years consisting of not less than 3300 hours.
14. New Brunswick passed a new regulation pertaining to firefighters. The regulation defines the scope of the trade of "Firefighter" and goes on to state that related activities include emergencies at bulk storage plants, marine, aircraft, and highrise firefighting, enforcement of various fire regulations, and all other physical aspects necessary to effectively perform the required duties of the trade for the safeguarding of persons and real property.
15. A person may be a candidate for a Certificate of Qualification if he has the equivalent of four years of practical experience as a paid full-time firefighter, or has successfully completed an apprenticeship program under the Act.
16. The regulation does not specify a particular training program.

II. EMPLOYMENT STANDARDS

17. In Alberta, Bill 71, The Alberta Labour Amendment Act, 1975 will bring about several significant changes. These provisions are in the fields of payroll records, hours of work, overtime, flextime permits, maternity leave and offences and penalties.
18. Québec has likewise amended the Industrial and Commercial Establishments Act further defining the "head of establishment" or "employer", "industrial establishment" and "commercial establishment". The distinction between men and women, with regard to work, is removed, while special conditions of employment with respect to youth are retained. Closer inspections of construction sites are provided for as are inspections of other sites for possibility of accidents. More severe fines are provided for repeated offences and where the life and health of the personnel are endangered by the committing of an offence.

Equal Benefits

19. In Ontario, a Regulation made under the Employment Standards Act, 1974 provides thorough definitions, exclusions and inclusions as regards Benefit Plans under the Act.

Payroll Records

Statement of Wages and Deductions

20. In Alberta, one clause in the statement is modified; previously the statement had to declare "the amount of any sum of money paid in lieu of termination of employment". The words "notice of" are added to the clause.

Hours of Work

21. The federal jurisdiction brought forth changes in the hours of work regulations for both the West and the East Coasts Shipping Employees.
22. The provisions regarding standard hours and maximum hours of work are modified for the purpose of the application of Division I of the Act (Hours of Work) to any classes of employees employed on a ship that is operated by an undertaking or business that comes within the legislative authority of the Parliament of Canada and is engaged in shipping from any part in the Province of British Columbia.
23. On the East Coast the new regulations are as follows:
 - hours of work are eight in a day and 40 per week with one day of rest;
 - an employee may be employed in excess of the maximum hours;
 - standard hours may be altered but not in excess of an average of 40 hours per week and averaging is allowed over a period of 13 weeks;

- standard hours are to be reduced by eight hours per day of paid vacation or holiday. Where an employee terminates his employment during an averaging period, he is to be paid his regular wages for each hour worked. Where the employer terminates the employment during an averaging period, he shall pay time and one-half for any hours worked in excess of 40 times the number of weeks in which the employee worked in that period.

Lay-Day Plan

24. A lay-day plan may be adopted upon notification to the Minister.
25. Where an employee is entitled to not less than 1.13 lay-day for each day on board a ship, the employee's working hours may exceed eight hours in a day and 40 hours in a week but shall not exceed 12 hours in a day. Where an employee is entitled to not less than 0.4 of a lay-day for each day he is on board a ship, the employee's working hours may exceed 40 hours in a week but not eight hours in a day.
26. Accumulation is limited to 45 lay-days but the Minister may authorize accumulation of more than 45 lay-days due to exceptional circumstances.

Maximum Hours

27. In Alberta, as before, hours of work must not exceed eight hours in a day or 44 hours in each consecutive period of seven days of which not more than six days are working days. Added to the permitted exceptions is any case where the board approves employees working additional hours.

Modification of Hours

28. The board now has additional power, after inquiring and with the approval of the Lieutenant-Governor-in-Council, to issue an order:
 - exempting an employee or a class or type of employment from the maximum hours of work provision and from recording hours of work.
29. The Lieutenant-Governor-in-Council may delegate to the board the power to exempt an employer or employees or a class or type of employment from a modification of hours order or from the maximum hours provision.

Flexitime Permits

30. In addition to the compressed work week permit provisions in the original Act, the amendment allows the board, upon application of employees or an employer and after such inquiry as it considers necessary, to issue a permit to allow greater hours of work than the prescribed maximums, but such hours must not exceed an average of 44:

- in each consecutive period of seven days, or
- such period in excess of seven days as the board may prescribe, and
- prescribe conditions under which the permit applies.

Overtime

31. The section dealing with minimum wage for overtime is rewritten in line with other changes in the Act.
32. Any order of the board fixing the minimum wage for overtime applies to those hours of work:
 - in excess of eight hours in a day; or
 - in excess of 44 hours in each consecutive period of seven days,whichever is the greater number of hours.
33. Any order of the board fixing the minimum wage for overtime applies to those hours of work in excess of the hours of work prescribed by an order of the board for the type or class of employment in which the employee is employed.
34. Any order of the board fixing the minimum wage for overtime in respect of a shift schedule approved by the board applies to those hours of work in excess of the hours of work fixed by the shift schedule.
35. Any order of the board fixing the minimum wage for overtime in respect of an application for a compressed work week or a flextime permit applies to those hours of work in excess of the hours of work permitted by the board pursuant to such permit.
36. In British Columbia, truck drivers and motorcycle operators and their swappers and helpers may work such hours in addition to the limited working hours (eight hours - 44 hours) as shall be necessary for the transportation of materials, goods or services. The posting of hours of work (regulation 13) shall not apply to these employees.
37. Regulations 13A (exempted employees), 17 (Bakery Salesmen), 23A (Transportation Industries) and 23B (Milk Delivery) are rescinded as of December 1, 1975.

Minimum Wages

38. The minimum wage rates were increased in the federal, Alberta, British Columbia, New Brunswick, Newfoundland, Ontario, Quebec, Saskatchewan and Yukon jurisdictions.
39. The federal minimum wage will increase to \$2.90 for experienced adult workers and to \$2.65 for employees under 17 on April 1, 1976.

40. Alberta will increase the minimum wage to \$2.75 for adults, \$2.60 for employees under 18 years of age and to \$2.25 for students under 18 employed part-time on March 1, 1976.
41. British Columbia has effected a two-step increase on December 1, 1975 and June 1, 1976. Adult workers will increase to \$2.75 and \$3.00 on those respective dates and employees 17 years and under to \$2.35 and \$2.60 on the same dates.
42. New Brunswick will increase the minimum wage rates to \$2.55 on June 1, 1976 and \$2.80 on November 1, 1976.
43. Newfoundland increased its minimum rate to \$2.50 effective January 1, 1976.
44. Ontario's general minimum wage rate will increase on March 15, 1976 to \$2.65, \$2.55 for the learner rate (during first month of employment) and \$2.90 for construction guards and workers. A new student rate and a "tip differential" for some employees in the hospitality industry will be introduced on the same date.
45. In the ambulance industry those employees earning a weekly rate will be paid a minimum of \$127.20 and employees working less than 48 hours a week, \$2.65 an hour.
46. An employer may apply the following maximums when taking into account meals, room or both in calculating the minimum rate:
 - room, \$11.00 per week;
 - meals, \$1.15 each and not more than \$24.00 per week;
 - both room and meals, \$35.00 per week.
47. In Québec, the minimum wage rose to \$2.80 for adult workers and \$2.60 for workers under 18 years of age on December 1, 1975.
48. In Saskatchewan, as of January 1, 1976, the minimum wage rose to \$2.80. On the same date an employer shall be entitled to charge \$0.75 per meal or \$2.25 per day for meals with respect to a person receiving the minimum wage. Where the rate of wages paid to an employee of an educational institution, hospital or nursing home is in excess of \$140.00 per week, the above provisions do not apply.
49. In the Yukon Territory, the minimum wage will rise to \$3.00 on April 1, 1976.
50. In British Columbia, the minimum rates for a resident caretaker shall change.
51. Effective December 1, 1975, \$165 per month plus \$6.60 per month per residential suite in apartment buildings containing more than four and less than 61 residential suites and \$561 per month in apartment buildings with more than 60 suites.

52. Effective June 1, 1976, \$180 per month plus \$7.20 per month per residential suite in apartment buildings containing more than four and less than 61 residential suites and \$613 per month in apartment buildings containing more than 60 residential suites.
53. Where additional room, stores or other accommodation must be attended by the resident caretaker, he will be paid at the rate of \$2.75 per hour as of December 1, 1975, and \$3.00 per hour as of June 1, 1976.
54. Where two or more resident caretakers are employed in any apartment building, the employer shall designate at least one as the resident caretaker. The other resident caretakers shall receive the regular minimum wage. For all hours the employer requires the resident caretaker to work or be on call during the resident caretaker's 32-hour period free from duty, the minimum wage shall be time and one-half of the minimum rate.
55. Newfoundland is presently amending the Minimum Wage Act to devise a formula for fixing an overtime rate of pay at the employee's regular rate instead of the minimum wage rate. Likewise a formula is to be adopted fixing call-back or reporting pay.
56. In Prince Edward Island, persons employed for the sole purpose of protecting and caring for children in private homes are excluded from the terms of Board Order No. 3-75 (regarding minimum wages).
57. In Québec, a person working outside an employer's establishment and whose time cannot be controlled is no longer excluded from the provisions of General Ordinance No. 4.
58. General Hourly Minimum Wage Rates for Adult and Young Workers (as of July 1, 1975)

1. Federal

Effective July 23, 1975

Employees 17 and over	- \$2.60
Employees under 17	- \$2.35

Effective April 1, 1976

Employees 17 and over	- \$2.90
Employees under 17	- \$2.65

2. Alberta

Effective July 1, 1975

Employees 18 and over	- \$2.50
Employees under 18	- \$2.35
Students under 18 employed on a part-time basis	- \$2.00

Alberta (Continued)

Effective March 1, 1976

Employees 18 and over	- \$2.75
Employees under 18	- \$2.60
Students under 18 employed on a part-time basis	- \$2.25

3. British Columbia

Effective June 3, 1974

Employees 18 and over	- \$2.50
Employees 17 and under	- \$2.10

Effective December 1, 1975

Employees 18 and over	- \$2.75
Employees 17 and under	- \$2.35

Effective June 1, 1975

Employees 18 and over	- \$3.00
Employees 17 and under	- \$2.60

4. Manitoba

Effective January 1, 1975

Employees 18 and over	- \$2.30
Employees under 18	- \$2.05

Effective October 1, 1975

Employees 18 and over	- \$2.60
Employees under 18	- \$2.35

5. New Brunswick

Effective July 1, 1975

General rates	- \$2.30
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Effective June 1, 1976

General rates	- \$2.55
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Effective November 1, 1976

General rates	- \$2.80
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6. Newfoundland

Effective January 1, 1975

Employees over 16 - \$2.25

Effective January 1, 1976

Employees over 16 - \$2.50

7. Nova Scotia

Effective March 1, 1975

Employees 18 and over - \$2.25

Underage employees 14-18 - \$2.00

Inexperienced employees - \$2.00

Effective January 1, 1976

Employees 18 and over - \$2.50

Underage employees 14-18 - \$2.25

Inexperienced employees - \$2.25

8. Ontario

Effective May 1, 1975

General rates - \$2.40

Learners (1st month of employment) - \$2.30

Students under 18, employed less
than 28 hours per week - \$2.00

Effective March 15, 1976

General rates - \$2.65

Learners (1st month of employment) - \$2.55

Students under 18, employed less
than 28 hours per week - To be announced

9. Prince Edward Island

Effective January 1, 1975

Employees 18 and over - \$2.05

Employees under 18 - \$1.80

Effective October 1, 1975

Employees 18 and over - \$2.30

Employees under 18 - \$2.00

10. Québec

Effective June 1, 1975

Employees 18 and over	- \$2.60
Employees under 18	- \$2.40

Effective December 1, 1976

Employees 18 and over	- \$2.80
Employees under 18	- \$2.60

11. Saskatchewan

Effective March 31, 1975

General rates	- \$2.50
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Effective January 1, 1976

General rates	- \$2.80
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12. Northwest Territories

Effective April 1, 1974

Employees 17 and over	- \$2.50
Employees 16	- \$2.00
Employees 15	- \$1.75
Employees under 15	- \$1.50

13. Yukon Territory

Effective July 23, 1975

General rates	- \$2.70
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Effective April 1, 1976

General rates	- \$3.00
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Public Holidays

59. New Brunswick has exempted from provisions governing public holidays, pay for holiday work, termination of employment and varying daily earnings, students in training for or qualified practitioners in many professions or persons engaged in work as real estate salesmen, automobile or mobile home salesmen and commissioned salesmen, other than route salesmen.
60. Where any class of employer or employee is covered by a collective agreement, the Lieutenant-Governor-in-Council exempts them from the above provisions of the Act except for New Brunswick Day, until that agreement expires.

61. Where any class of employer or employee is covered by a collective agreement that becomes effective after this comes into force and provides for a minimum of five paid statutory holidays, they are exempt from the above conditions except in relation to New Brunswick Day.
62. Where any class of employer or employee is bound by a collective agreement or contract of employment that provides for holiday pay of at least 3% of gross pay in lieu of holidays, in addition to vacation pay as required by the Vacation Pay Act, is exempt from the above provisions.
63. In Saskatchewan, employees working in the Construction industry and the Logging and Lumbering industry are entitled to 3.5 per cent (3%) of their total gross wages, exclusive of overtime, when they do not work on all or any of the public holidays.

Maternity Leave

64. In Alberta, notwithstanding The Individual Rights Protection Act, the board after such inquiry as it considers necessary may, with the approval of the Lieutenant-Governor-in-Council, make an order:

- requiring an employer to grant to a pregnant employee maternity leave without pay for any period between
 - 12 weeks before the estimated date of delivery of the child, and
 - six weeks after the actual date of delivery of the child,

subject to such conditions as are considered necessary;

- governing the conditions under which maternity leave may be shortened or extended;
- governing the conditions whereby an employer may, by notice in writing, require a pregnant employee to commence maternity leave without pay during all or any part of the period prescribed above when the pregnancy is interfering with the performance of the employee's work;
- governing the manner in which an employee who has commenced maternity leave is to be reinstated by an employer;
- prohibiting an employer from terminating the employment of or laying off a pregnant employee within the period prescribed above for any reason specified in the order;

- specifying the length of any notice in writing required to be given by a pregnant employee or by an employer;
- providing for any other matter or thing, including the imposition of restrictions or conditions on pregnant employees and employers or either of them, to establish a means of providing that a pregnant employee is not prejudiced by reason of the pregnancy with respect to employment or with respect to the wages or other benefits that had accrued to the employee to the date that the employee commenced maternity leave without pay.

65. Such an order does not apply to an employer and his employees insofar as there is a custom, practice or agreement providing for maternity leave on conditions or with benefits more favourable to the employee than those contained in the order.

Mechanics' Lien

66. In Ontario, the use of forms for claims and judgments has been changed.

67. In addition, every contractor on a public work shall display and keep displayed in a conspicuous place on the site of the work the following notice:

- This project is a public work. Any person who places or furnishes any materials, or does any work on or in respect of this project may be protected by the Mechanics' Lien Act. Notices of claim for lien must be sent to the following address (appropriate office of the Crown). The appropriate office of the Crown to which notice of a claim for lien in respect of a public work must be sent is as follows:
 - where the contract is with a Ministry of the Crown, the office of the Director of Legal Services, of that Ministry;
 - where the contract is with the Ontario Housing Corporation, the office of the Director of Legal Services of the Ministry of Housing;
 - where the contract is with a college of applied arts and technology, the office of the president of the college;
 - where the contract is with any other office of the Crown, the Chief executive officer of the office.

Offences and Penalties

68. In Alberta, the provision that applies to employer, employee or other person who contravenes or fails to comply with provisions for which no offence is specifically provided now applies to regulations issued under the Act.
69. Where an employer, director, officer or other person is guilty of an offence by reason of failing to comply with any provision of an order made under the maternity leave provisions, the judge of the court may, in addition to any other penalty imposed or order made:
- order the employer to reinstate the employee; and
 - order the employer to pay to the board on behalf of the employee any sum that the employee would have earned if the employee had been reinstated in employment in accordance with the maternity leave order and which the judge considers should be paid to the employee or either of them.

III. HUMAN RIGHTS

70. An important development in the field of human rights legislation in Canada during 1975 was Québec's passage of the Charter of Human Rights and Freedoms.
71. The first part of the Charter enumerates human rights and freedoms, while the second part provides for the establishment of a "Commission des droits de la personne".
72. In the first chapter of Part I, under the heading of General Provisions, the fundamental rights and freedoms of the individual are enumerated, namely, the right to life and to personal security, inviolability, freedom and the possession of juridical personality, the right to assistance, the fundamental freedoms, such as the freedom of conscience and the freedom of expression and the right to the safeguard of one's dignity, to respect for one's private life, to the protection of one's property and to professional secrecy.
73. Several provisions deal particularly with discrimination based on race, colour, sex, civil status, religion, political convictions, language or on ethnic or national origins or social condition. Discriminatory publicity is prohibited, just as is discrimination in the making or the carrying out of any juridical act, excepting the lease of a room situated in a dwelling. Similarly, public places and public transportation are available to everyone without distinction or preference. Finally, all discrimination is prohibited in the entire sector of labour, and the principle of equal salary or wages for equivalent work for the same concern is officially recognized.
74. Following Chapter II, where certain political rights are enumerated, such as the right of petition to the National Assembly and the right to vote or to be a candidate at an election, Chapter III deals with judicial rights.
75. Thus, every person has a right to an impartial hearing of his case by an independent tribunal. No one may be deprived of his liberty except on grounds recognized and provided by law.
76. Similarly, every person arrested or detained has the right to be treated with human dignity and respect, to receive separate treatment according to sex, age, and mental or physical condition, to be separated from the prisoners serving sentences while awaiting the outcome of a trial and to be promptly informed of the grounds of arrest, as well as the right to advise the next of kin, to retain counsel or to be, without delay, brought before a tribunal.
77. The right to be released on recognizance while awaiting trial and the right to habeas corpus as well as to the presumption of innocence are recognized as are the services of an interpreter. The non-retroactivity of the law is also a principle recognized in the Charter.

78. From a different perspective, certain economic and social rights are enumerated and recognized in Chapter IV, namely, the right to free public instruction, to the establishment and maintenance of private educational establishments, the right, for minorities, to develop their cultural interest, the right to information, the right, for every person, to exercise his profession or trade on fair and reasonable conditions, the equality of husband and wife in the marriage and the right of aged persons or of infirm or mentally ill persons to be protected against all form of exploitation.
79. Chapter V comprises special provisions on the interpretation and application of the laws with regard to the Charter and concerning the right of every person whose fundamental rights are interfered with to claim an indemnity or to obtain an injunction.
80. Part II of the Charter establishes a "Commission des droits de la personne" whose members are appointed by the National Assembly, whose employees are not members of the civil service and whose functions will be, in particular, to promote the Charter, to investigate matters within its competence, analyse existing laws which could be inconsistent with the Charter and establish a program of research and education in the field of human rights.
81. The commission will receive any complaint relating to a right recognized in sections 10 to 19 or in the first paragraph of section 48 whether the complaint emanates from an individual or from a group of persons. The commission will then endeavour to bring the parties to an agreement.
82. It may recommend the cessation of the act complained of, the performance of an act or the payment of an indemnity within the delay it fixes.
83. If the author of the discrimination does not comply with the recommendation issued by the commission, the commission itself may proceed before the courts.
84. Part III of the Act outlines offences and penalties. Action for contravention of the anti-discrimination, anti-destruction and anti-reprisal provisions is to be taken under the Summary Convictions Act.
85. Also, if a corporation commits an offence under the Charter, any officer, director, employee or representative of that corporation who prescribed or authorized the offence, or who consented, acquiesced or participated in it, is deemed to be a party to the offence whether or not the corporation has been prosecuted or found guilty.
86. The Charter repeals:
 - (a) the Employment Discrimination Act;
 - (b) section 8 of the Hotels Act (discrimination in public accommodation);

- (c) section 46 of the Manpower Vocational Training and Qualification Act (discrimination in manpower training);
 - (d) articles 1664i and 1664s of the Civil Code (discrimination in terms of leases).
87. Government officials cannot be obliged to divulge what has been revealed to them in the exercise of their functions if a judge is of the opinion that such a disclosure would be contrary to public order.
88. Sections 11 (discriminatory publishing, notice, sign, symbol, etc.), 13 (discriminatory clause in a juridical act), and 19 (equal pay) do not apply to life insurance, retirement plans, pension plans, or any other plan or scheme of social benefits when discrimination is founded on actuarial data based on sex or civil status.
89. Another important legislative development in human rights law came with Ontario's enactment of The Ombudsman Act.
90. The Act provides for the appointment of an Ombudsman. The term of appointment is ten years, with the possibility of reappointment for a further term or terms, but with mandatory retirement at the age of sixty-five.
91. The Ombudsman is removable from office at any time for cause by the Lieutenant-Governor-in-Council on the address of the assembly.
92. Provision is made for the appointment of a temporary (not more than six months) Ombudsman in case of death, resignation or any other reason which would prevent the Ombudsman from performing his duties.
93. It is the function of the Ombudsman to "investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity".
94. The Act does not apply, however, to judges or the functions of any court, or to deliberations and proceedings of the Executive Council or any committee thereof.
95. Certain types of matters are not reviewable by the Ombudsman. These are any decision, recommendation, act or omission:
- (a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until that right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise of that right has expired;

- (b) of any person acting as legal advisor to the Crown or acting as counsel to the Crown in relation to any proceedings.
96. Application can be made to the Supreme Court for a declaratory order determining a question of the Ombudsman's right to investigate any case or class of cases.
97. Complaints to the Ombudsman must be made in writing, and any complaint written by an inmate of a provincial correctional institution or training school, or a patient in a provincial psychiatric facility must be immediately forwarded, unopened, to the Ombudsman by the person in charge of the institution, training school or facility.
98. The Ombudsman has the discretion to refuse to investigate a matter if he judges that any such investigation is unnecessary, or that under existing law or administrative practice there is an adequate remedy for the complainant, whether or not he has availed himself of it.
99. Investigation or further investigation may also not be made for other reasons, at the Ombudsman's discretion. Such reasons could be triviality of subject matter, frivolity or vexatiousness of complaint, lack of sufficient personal interest of complainant in the subject matter or the complaint, etc.
100. The Ombudsman may make such inquiries as he deems fit in order to obtain information, and may hold hearings. If it appears to the Ombudsman during an investigation that a report or recommendation adversely affecting any governmental organization or person might result, the Ombudsman must give that organization or person an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel.
101. The Ombudsman has the power to require any member of any governmental organization to furnish information, documents, etc., pertinent to an investigation, and may summon before him and examine under oath any complainant, member of any governmental organization, or any other person.
102. Where the Attorney General certifies that the giving of any information might interfere with investigation or detection of offences, or disclose deliberations or proceedings of the Executive Council or a committee thereof, then the Ombudsman does not have the right to such information. But this rule does not apply where the withholding of any information would be injurious to the public interest.
103. The Act does not state who decides what constitutes "injurious to the public interest".
104. The Ombudsman can initiate remedial action where he finds that a decision, recommendation, act or omission which has been or appears to have been contrary to law, unreasonably unjust, oppressive, improperly discriminatory, based in whole or in part on a mistake of law or fact, was wrong, where discretionary powers have been improperly used, etc.

105. Where the Ombudsman is of the opinion that remedial action should be taken he must report his opinions and reasons to the appropriate governmental organization. He may also request that he be notified within a specified time of the steps that the governmental organization plans to take to give effect to his recommendations.
106. Where the Ombudsman deems that no appropriate action is being taken, he may send a copy of his report and recommendations to the Premier and thereafter to the Assembly.
107. The only ground upon which any proceedings or decision of the Ombudsman can be called into question or reviewed, quashed, etc., in any court, is lack of jurisdiction. Also, no proceedings lie against the Ombudsman or persons holding office or appointment under him, for his exercise or intended exercise of functions under the Ombudsman Act, unless it is shown that he acted in bad faith.
108. After having given proper notice, the Ombudsman may enter the premises of any governmental organization for purposes of any investigation within his jurisdiction, except that the Attorney General may prevent the entry where he feels it may be in the public interest. The Ombudsman may in turn, however, have a denial of entry action aside by the High Court.
109. Penalties for obstruction, hindering or resisting the Ombudsman or any other person in the performance of his functions under the Act, or for failing to comply with any lawful requirement, or for making false or misleading statements are, on summary conviction, a maximum \$500 fine or a maximum three months imprisonment, or both.
110. In the specific area of equal pay, Manitoba added Part IV, "Equal Pay" to its Employment Standards Act. The amendment repeals the Equal Pay Act.
111. The new provision prohibits employers or persons acting on their behalf, to discriminate between male and female employees of the employer by paying to the employees of one sex wages on a scale different from that on which wages are paid to employees of the other sex in the same establishment, if the work required of, and done by, employees of each sex is the same or substantially the same.
112. The "same" work means jobs, duties, responsibilities or services that are "the same or substantially the same kind or quality and are substantially equal in amount".
113. A difference between wage scales for males and females does not constitute a failure to comply with the provisions of the Act if the difference is based on any factor other than sex that, in the opinion of the board (Labour Relations Board, or Wages Board), would normally justify the difference.

114. The acceptance by an employee of wages on a scale contrary to the Act is deemed not:
- a defence to an action by an employee to recover wages on a different scale;
 - a bar to the laying of a complaint under the Act;
 - a defence to a prosecution under the Act.
115. The provisions prohibit discrimination by an employer against an employee because of the employee's having made a complaint, given evidence, etc., under the Act.
116. Collective agreements must not establish wage scales which are forbidden by the Act.

IV. INDUSTRIAL RELATIONS

A. General

117. Ontario and Alberta made some important changes in their labour relations legislation.
118. In Ontario, comprehensive amendments to the Labour Relations Act include the following:

Interpretation

119. The term "employee" is defined to include "dependent contractor" - which means a person, whether or not employed under a contract of employment, and whether or not furnishing his own tools, vehicles, equipment, machinery, material, or any other thing, who performs work or services for another person for compensation or reward on such terms and conditions that he is in a position of economic dependence upon, and under an obligation to perform duties for, that person more closely resembling the relationship of an employee than that of an independent contractor.
120. As before, two or more associated or related businesses may be treated as one employer. The provision is expanded to include instances where two or more businesses do not operate simultaneously and also to permit direct applications to the board.
121. A new provision places the responsibility upon the employer to make all material facts known to the board in a hearing to determine whether associated or related companies should be considered a single employer.

Board to Determine Appropriateness of Units

122. The board may certify a trade union as bargaining agent for a bargaining unit where the final composition of the bargaining unit is still to be resolved, but it is clear that the trade union is entitled to certification.

Craft Units

123. As before, provision is made for a separate bargaining unit for an employee group exercising a distinguishable skill or craft, but now employees exercising a combination of technical skills or performing the skills of more than one craft are excluded.

Dependent Contractors

124. Provision is made for bargaining units consisting solely of dependent contractors.

Representation Vote

125. The membership requirement for certification is changed from 65% to 55% and the requirement for a vote is changed from 35% to 45%.

Certification where Act Contravened

126. Certification without vote is now directly applicable where an employer's contravention of the Act makes it unlikely that the true wishes of the employees can be ascertained.

Unions not to be Certified

127. The amendment adds age and sex to the prohibition against discrimination, previously on the grounds of participation by employers in the formation, administration, financial or other support of a trade union, or because of race, creed, colour, nationality, ancestry or place of origin.

Appointment of Special Officer

128. Where, at any time during the operation of a collective agreement the Minister considers that it will promote more harmonious relations between the parties, he may appoint a special officer knowledgeable in industrial relations to confer with and assist the parties in respect of their current relationships and anticipated bargaining problems.

Duties of Special Officer

129. The special officer confers with the parties and reports to the Minister within 30 days of appointment. The appointment terminates then unless extended by the Minister.

Disputes Advisory Committee

130. The Minister may appoint a Dispute Advisory Committee, composed of one or more representatives of employers and one or more representatives of employees, that may be convened at his request to confer with, advise and assist the bargaining parties.

Voluntary Arbitration

131. The parties may refer matters remaining in dispute between them to an arbitrator or arbitration board for final and binding determination.

Powers of Arbitrator or Board of Arbitration

132. Agreement to arbitrate supersedes all other dispute settlement provisions of the Act, including those relating to conciliation, mediation, strike and lockout; and the provisions related to proceedings before the arbitrator or Board of Arbitration and its decision apply.

Ratification Vote

133. The Minister may, during a strike or lockout, decide that it is in the public interest to direct that a vote of employees in the bargaining unit be held forthwith to accept or reject the employer's last offer.

Recognition Provision

134. The Act requires collective agreements to include recognition of exclusive bargaining rights of the trade union that is a party and of an accredited employer's organization that is a party to the agreement. The amendment deems these provisions to be included in the agreements; it is therefore no longer necessary for the board to add such provision upon application.

Deduction and Remittance of Union Dues

135. Except in the construction industry, at the request of the trade union that is the bargaining agent, there must be included in the collective agreement a requirement for the voluntary deduction and remittance by the employer of regular union dues payable by employees in the bargaining unit who give written request.

Arbitration

Extension of Time

136. Where applicable in a collective agreement, an arbitrator or arbitration board may extend the time for taking any step in the grievance procedure.

Jurisdiction

137. A new clause provides that the jurisdiction of an arbitrator or arbitration board is exclusive; decisions are final and conclusive for all purposes.

Decisions not Subject to Review

138. No decision, order, direction, declaration or ruling of an arbitrator or arbitration board to be questioned or reviewed in any court and no proceeding to be taken, etc.

Union Security

139. The previous 65% requirement is reduced to 55% in line with the corresponding change in the certification provisions.

Collective Agreements

140. The prohibition against discrimination is extended to include age and sex, complementary to the certification provision.

Extension of Term

141. The provision in the Act to extend the provisions of a collective agreement while bargaining for its renewal is modified by providing for termination of such extension by either party upon 30 days notice to the other.

Termination of Bargaining Rights

142. The percentage of employees in a bargaining unit who must signify their desire to have a trade union's bargaining rights terminated by the board in order that the board must conduct a vote is reduced from 50 to 45%.

Successor Rights

143. Included in the change of ownership provisions is the renewal, with or without modifications of the agreement then in operation.

Duty of Respondents

144. The employer must make known to the board all material facts when a trade union alleges that the sale of a business has occurred.

Duty of Fair Referral, etc., by Trade Unions

145. A trade union must not act in a manner that is arbitrary, discriminatory or in bad faith where, pursuant to a collective agreement, it is engaged in the selection, referral, assignment, designation or scheduling of persons to employment.

No Agreement

146. Reference to Act provisions relating to the time of release of documents is emphasised to clarify the strike/lockout delay provisions where no collective agreement is in operation.

Complaint that Financial Statement Inadequate

147. The board may inquire into a complaint and order the trade union to prepare another audited financial statement in appropriate form, and may require certification of the rectified statement by a public accountant.

Annual Filing of Statement

148. Detailed audited financial reports of trustees of trade union pension and welfare funds must be filed annually with the Minister. Trade union members may obtain copies of the statements from the administrators of the funds upon request and without charge.

Enforcement

149. Where a complaint alleges a contravention of the Act, inquiries previously conducted by a "field" officer are now made by a "labour relations" officer. Similarly, the duties and reports required now evolve upon the labour relations officer.

Remedy for Discrimination

150. Where the board is satisfied that the Act has been contravened it determines what, if anything the parties must do or refrain from doing with respect to the complaint, including any one or more of:
- an order directing the employer, employer's organization, trade union, council of trade unions, employee or other person to cease doing the act or acts complained of;
 - an order directing the employer, employer's organization, trade union, council of trade unions, employee or other person to rectify the act or acts complained of; or
 - an order to reinstate in employment or hire the person or employee concerned, with or without compensation in lieu of hiring or reinstatement for loss of earnings or other employment benefits in an amount that may be assessed by the board against employer, employer's organization, trade union, council of trade unions, employee or other person, jointly or severally.

Burden of Proof

151. On an inquiry by the board into a complaint that a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to the Act as to his employment, opportunity for, or conditions of employment, the burden of proof that any person, employer or employer's organization did not act contrary to the Act lies upon the person, employer or employer's organization.

Declaration and Direction of Board (Unlawful Strike/Lockout)

152. As before, the board is authorized to declare a strike or lockout unlawful; it may now also direct what action shall be taken or not taken by those involved.
153. The grounds for the declaration now include the threat, counsel, procurement, support or encouragement of strike or lockout by either party.

Enforcement

154. The direction is filed with the Registrar of the Supreme Court and entered in the same way as a judgement or order of that court.

When Chairman or Vice-Chairman may Sit Alone

155. A new provision permits the chairman or his alternate, or another vice-chairman to sit alone to hear and determine matters related to:
- fair representation;
 - fair referral to work;
 - unlawful strikes;
 - unlawful lockouts; or
 - unlawful construction industry strikes and lockouts, and to exercise all the powers and duties of the board when so sitting.

Testimony in Civil Suits, etc.

156. The board and its staff are still protected from giving testimony in civil suits; the protection is extended now to include proceedings before the board or any other tribunal, the information obtained "within the scope of their employment" (as well as while "discharging their duties", as before).
157. The board may give its consent to waive such protection.

Construction Industry

158. The definition of "sector" is amended to remove the reference to "tunnels" since tunnels are not exclusively constructed by employers operating in the sewers and watermains sector of the construction industry.

Referral of Grievances to Board

159. Either party to a collective agreement may refer a grievance concerning the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable, to the board for final and binding determination.

Hearing

160. The referral of a grievance to the board may be made in writing in the prescribed form by the grievor at any time after delivery of the written grievance to the other party, and the board sets the date for a hearing, which is held within fourteen days after receipt of the referral. The board may appoint a labour relations officer to confer with the parties and endeavour to effect a settlement before the hearing.

Jurisdiction of Board

161. The board has exclusive jurisdiction to hear and determine the difference or allegation referred to it, including any question as to whether the matter is arbitrable.

Expense

162. Expense of the proceedings, in the amount fixed by the regulations to be jointly paid by the parties to the board for payment into the Consolidated Revenue Fund.

Employers' Organization not to be Accredited

163. Age and sex discrimination are added to the reasons for which the board is not to accredit an employer's organization. The other reasons are: trade union or trade union council participation in the formation or administration, financial or other support, of the organization; and discrimination on the grounds of race, creed, colour, nationality, ancestry or place of origin.
164. Amendments to the Ontario Regulations, which came into force August 18th, include the following modifications to the Rules of Procedure:

Associated or Related Businesses or Activities

165. In line with the amendment to the Act, the regulations provide for applications by groups of employers carrying on related or associated activities to be treated as one employer by way of a hearing before the board. Formal intervention or representation by persons or groups concerned may be made at the hearing.

Declaration and Direction by Board

Unlawful Strike or Lockout

166. Forms and procedures are set out for applications for a board hearing.

Financial Statements - Complaints

167. The regulations spell out provisions for formal application for hearings respecting the alleged inadequacy of the financial statements that unions must furnish to members (general, pensions and welfare).

Enforcement - Complaints

168. The regulations lay down procedures where the board authorizes a labour relations officer to inquire into a complaint. Disposal of the complaint after the labour relations officer meets with the parties may be by way of dismissal without a hearing or through a hearing before the board.

Labour Relations Officer

169. A "labour relations officer" (other than a person inquiring into an enforcement complaint) may be authorized by the board to inquire into and report upon any matter arising out of a proceeding before the board, such as applications for certification or termination of bargaining rights. Representations may be made by the parties at a formal hearing where the board so directs.

Referral of a Grievance to the Board

170. Formal requirements are set up in the regulations for either party to a collective agreement to refer a grievance concerning the interpretation, application, administration or alleged violation of the agreement, including whether a matter is arbitrable, to the board for final and binding arbitration.

171. In Québec, a private member's Bill proposes changes in three significant areas.

Employees - definition

172. The amendment would remove the exclusion of managers, superintendents, foremen and certain employers' representatives from the definition of "employees", thus allowing them to be unionized.

Certification

173. Employees in these added categories would form one or more separate groups of employees of the employer for certification purposes.

Rand Formula

174. Mandatory check-off of union or association dues would apply to every undertaking where there is a certified association.

Strikes and Lockouts

175. In addition to the provision in the Act that safeguards the employment of employees on strike or lockout, the Bill proposes that such employees would be entitled to recover their employment in preference to any person who was not an employee of the undertaking before the strike or lockout.

176. The Alberta Labour Amendment Act, (referred to the Committee of the Whole House December 3, 1975) included the following changes:

Board of Industrial Relations

Powers of the Board

177. Previously the Act provided that the board and each member had the powers of a commissioner appointed under the Public Inquiries Act and could administer oaths and take affidavits and statutory declarations.

178. The amendment directly places the power of administering of oaths and taking affidavits upon officers of the board.

179. The board's powers are spelled out more specifically.

The board may:

- summon and enforce the attendance of witnesses in the same manner as a court of record in civil cases;
- require any person to attend and produce such documents and things as it considers necessary for the purpose of any inquiry or consideration of any matter within its jurisdiction;
- administer oaths;
- accept such oral or written evidence as it, in its discretion, considers proper in a court of law or not.

180. The board is not bound by the law of evidence applicable to judicial proceedings.

181. Where, in the opinion of the board:

- the attendance of a person is required; or
- the attendance of a person to produce a document is necessary;

the board may cause to be served on the person concerned a notice to attend or a notice to attend and produce, as the case may be, signed by the chairman or the secretary.

182. Where a person fails or refuses to comply with:

- a notice to attend, or
- a notice to attend and produce a document or other thing, issued by the board, a judge of the Supreme Court, on application of the board, may issue a bench warrant requiring the attendance of the person or the attendance of the person to produce the document or other thing, as the case may be, before the board.

183. A member of the board, the Director of Labour Standards, secretary, a conciliation commissioner, any person appointed to assist parties to a dispute declared to constitute an emergency, or any person appointed as a member of a Public Emergency Tribunal or designated by the Minister of Labour to endeavour to effect settlement of a dispute, is not a competent or compellable witness in proceedings before any court respecting any information, material or report obtained by him.

Offences and Penalties

General Offence

184. The provision that applies to an employer, employee or other person who contravenes or fails to comply with provisions for which no offence is specifically provided now applies to regulations issued under this Act.

Labour Relations

Jurisdiction of the Board

185. The 30-day time limit for appeals on a decision, or, directive, declaration, ruling or proceeding of the board is now amended to start on the date on which a decision is made rather than the date upon which it is served.

Trade Unions

186. A trade union with both a constitution and rules or by-laws must now file two copies (previously one) of both of them with the board.

Voluntary Collective Bargaining Arbitration Board

187. Where a vacancy occurs in the membership of a collective bargaining arbitration board it must be filled in the same manner as provided for the appointment of the member or chairman.

Unfair Practices

188. An additional prohibition is placed upon the employer or employer's organization or any person acting on their behalf. They must not refuse to employ, refuse to continue to employ, or discriminate against any person in regard to employment or any term or condition of employment because the person is an applicant for membership in a trade union.

Complaints and Board's Decision

189. Previously, the board, after an inquiry established that an employer, employer's organization, employee, trade union or other person had failed to comply with any of the unfair practices provisions, the board could issue a directive requiring those responsible to take certain remedial actions, including the reinstatement or admittance of an employee as a member of a trade union and the payment to an employee compensation not exceeding the board's estimate of the amount of pecuniary or other penalty imposed on an employee contrary to the unfair practices provisions. Such remedial action now extends to a "person" affected, rather than to an "employee".

Emergencies

Cessation of Work Stoppages

190. As before the Lieutenant-Governor-in-Council is empowered to declare a state of emergency and to order emergency procedures to resolve a dispute. Such powers hinged on such conditions as "serious jeopardy" of life or property and "extreme privation or human suffering" caused by "stoppage of services or work over an extended period of time". Emergency action may now be instituted in far less severe circumstances.
191. Where in the opinion of the Lieutenant-Governor-in-Council an emergency exists or may occur arising out of a dispute, in such circumstances that:
- damage to health or property is being caused or is likely to be caused because;
 - a sewage system, plant or equipment or, water, heating, electrical or gas system, plant or equipment has ceased to operate or is likely to cease to operate; or
 - health services have been reduced, have ceased or are likely to be reduced or cease; or
 - unreasonable hardship is being caused or is likely to be caused to persons who are not parties to the dispute,

the Lieutenant-Governor-in-Council may, by order, declare that on and after a date fixed in the order all further action and procedures in the dispute are to be replaced by the emergency procedures laid down in the Act.

192. The person or persons appointed by the Minister of Labour as a procedure or part of a procedure to assist the parties to the dispute have the powers of a commissioner under The Public Inquiries Act.

Public Emergency Tribunal

193. The composition of the tribunal is changed from three or more persons to one or more. Where more than one person is appointed, the Minister designates one person as chairman.

194. A regulation issued under the Labour Code of British Columbia covers:

Grievance Recommendation

The form is provided for an application, where a difference between the parties to a collective agreement relating to the dismissal, discipline or suspension of an employee or the interpretation, application, operation or alleged violation of the agreement including whether a matter is arbitrable is being investigated, to have the Minister of Labour (by requisitioning the Minister of Finance) pay one-third of the cost of the grievance investigator.

195. In New Brunswick, an amendment to the Industrial Relations Act relates to the special provisions in the legislation dealing with power sites.
196. The Lorneville Area Projects Bargaining Authority is a legal entity for the purposes of enforcing a collective agreement or for preventing the continuation of offences under the "Strikes and Lockouts" (Sec. 91) provisions of the Act.

Panel

197. The Power Sites Panel, still of seven persons, was previously formed of a person elected or appointed by the contractor members and one person designated by the Council of the Construction Association of New Brunswick, Inc. Now one person each is elected by:
- the New Brunswick Mechanical Contractors Employers Association, Inc.; and
 - the Electrical Contractors Association of New Brunswick, Inc.

B. Public Sector

Teachers

Newfoundland

198. The Newfoundland legislature adopted Bill 80, An Act to Amend the Newfoundland Teacher (Collective Bargaining) Act, 1973.
199. Bill 80 provides that no provision in any collective agreement or award or decision of a board of arbitrators appointed under the Newfoundland Teacher (Collective Bargaining) Act, nor anything done hereunder, shall abrogate, impair or otherwise howsoever infringe upon any right or privilege to which Term 17 of the Terms of Union of Newfoundland with Canada set forth in the Schedule to the British North America Act, 1949, applies.

Ontario

200. On July 18, 1975, Bill 100 being An Act respecting the Negotiation of Collective Agreements between School Boards and Teachers received Royal Assent.

General

201. Bill 100 provides procedures for the making and renewing of agreements between a school board and its teachers. It provides for negotiations between a school board and a branch affiliate. The term "branch affiliate" means an organization composed of all the teachers employed by a board who are members of the same affiliate.
202. An "affiliate" means one of the following bodies: (1) l'Association des Enseignants Franco-Ontariens, (2) The Federation of Women Teachers' Associations of Ontario, (3) The Ontario English Catholic Teachers' Association, (4) The Ontario Public School Men Teachers' Federation, (5) The Ontario Secondary School Teachers' Federation.
203. The Act applies to all collective negotiations between teachers and public school boards, boards of education, secondary school boards, Roman Catholic separate school boards or Protestant separate school boards.
204. Negotiations may take place between two or more boards and two or more branch affiliates where both the boards and branch affiliates involved so agree to make or renew a single agreement or a separate agreement between each of the boards and a branch affiliate that represents teachers employed by the board.
205. A separate agreement may include terms and conditions of employment in addition to and consistent with those terms and conditions of the agreement applying to all the boards and all branch affiliates.
206. Two or more branch affiliates may also act as one party in negotiations with the same board.
207. A branch affiliate represents all the teachers composing its membership in negotiations and procedures under the Act.

208. Negotiations for the renewal of a written collective understanding that expired on or after August 31, 1975 which were carried on before the coming into force of the Act are to continue between the board and the branch affiliate involved and notice to bargain is deemed to have been given in accordance with the Act.
209. Where a written collective understanding was in effect before the Act came into force, a branch affiliate or a board may give notice of its desire to negotiate during the month of January in the year in which the understanding expires where the agreement expires on August 31.
210. Where the agreement expires on December 31, the notice to bargain may be given during the month of May in the year in which the understanding expires.
211. Where a written collective understanding in effect on the coming into force of the Act is expressed to expire during 1975 and negotiations have not started before the Act was in force, either a branch affiliate or a board may give a written notice to bargain to the other party within 30 days after the coming into force of the Act.
212. If the notice is not given within this period of time, the collective understanding is deemed to be renewed for one year.

Negotiations

213. Notice to bargain may be given either by a branch affiliate or a board where there is no agreement and no collective understanding in force.
214. Either party to an agreement may give a written notice to bargain to the other party during the month of January in the year the agreement expires.
215. Where an agreement is in force and no such notice has been given, the agreement continues in operation and is renewed from year to year, with each yearly period expiring on August 31, until the year notice is given for the renewal with or without modification of the agreement.
216. After notice to bargain has been given, the terms and conditions of the collective understanding or agreement other than those preventing a strike may not be altered until either an agreement comes into force or is renewed, or 60 days after the report of the fact finder was made public by the Education Relations Commission, whichever first occurs.
217. The parties must meet within 30 days after the notice to bargain is given and negotiate in good faith. However, the parties involved in a collective understanding which expires on or about December 31, 1975, must meet on or before September 15, 1975, to negotiate.
218. In reaching an agreement the parties may choose from the following procedures: (1) request the Education Relations Commission to assign a person to assist them to make or renew the agreement, (2) request the Commission to appoint a fact finder, (3) refer all matters remaining in dispute to an arbitrator or board of arbitration or to final offer selection.

219. Where the parties refer the dispute to arbitration or final offer selection, strikes and lockouts are prohibited. The Commission may on its own discretion assign a person to assist the parties at any time.

Fact Finding

220. The Commission appoints a fact finder to assist the parties in their negotiations where the dispute has not been submitted to a single arbitrator, a board of arbitration or to a selector.
221. A person is appointed as fact finder by the Commission on the request of one or both parties, because the Commission is of the opinion that an impasse has been reached, or because the agreement in operation expires during negotiations.
222. The appointment of a fact finder does not restrict the parties from referring all matters remaining in dispute to a single arbitrator, a board of arbitration or a selector for determination.
223. The fact finder must not have any pecuniary or other interest in the matters submitted to him. Where a fact finder is appointed, the Commission must notify in writing each of the parties involved. Within seven days after receipt of such notice, each party gives notice to the fact finder and to the other party of all matters agreed upon and all matters remaining in dispute.
224. The fact finder must confer with the parties and inquire into the matters agreed upon by the parties and those remaining in dispute. In doing so he may consider the following as relevant: (1) the conditions of employment in occupations outside the public teaching sector, (2) the effect of geographic or other local factors on the terms and conditions of employment, (3) the cost to the board of the proposal of either party, (4) the interests and welfare of the public.
225. Thirty days after the date of his appointment, or within such longer period of time as the Commission directs with the agreement of the parties the fact finder must submit his report to the Commission. This report is not binding on the parties. It is there for the guidance of the parties.
226. Following the report of the fact finder, the parties may request further assistance from the Commission. A person is then appointed to assist the parties to make or renew the agreement. If the parties do not come to an agreement within 15 days after a copy of the report of the fact finder is given by the Commission to the parties, the parties may agree to refer all matters in dispute to a single arbitrator, a board of arbitration or to a selector for determination.
227. Where unresolved matters are referred to arbitration or final offer selection, the terms of the collective understanding or agreement in force at the time notice to bargain was given may not be altered until an agreement is reached or renewed, and strike and lockouts are prohibited.

Voluntary Binding Arbitration

228. The parties must give notice to the Commission that they have agreed to refer all matters remaining in dispute to arbitration. If they choose a single arbitrator the notice must include the date of appointment, the name and address of the arbitrator. Where the parties fail to agree on the choice of the arbitrator the notice must request the Commission to appoint the arbitrator.
229. If the parties decide in favour of a board of arbitration, the notice to the Commission must state that the parties have each appointed a person as a member of the arbitration board or that one or both parties have failed to appoint a member of the board and request the Commission to do so.
230. The notice must provide that the decision of the arbitrator or the board of arbitration will be accepted by the parties as binding upon them.
231. Where the parties have decided to refer the dispute to a board of arbitration, the arbitrators appointed by the parties must appoint a third person to act as chairman within 10 days after the giving of the notice of their appointment by the parties or by the Commission. In case of failure by the two members of the board to appoint a chairman, the appointment is made by the Commission.
232. No arbitrator, member or chairman of an arbitration board may have pecuniary or any other interest in the matters submitted to him. Where a member of the board is unable to enter or carry on his duties, a replacement is appointed by the body that appointed the member. Where the chairman is unable to act as to enable a decision to be rendered within 60 days of his appointment (or such longer period as provided in writing by the board and consented to by the Commission) the Commission notifies the members of the board who must appoint another chairman within seven days. The Commission appoints a chairman where the arbitrators do not agree.
233. Each party gives written notice to the arbitrator or chairman and to the other party setting out the matters agreed upon and the matters remaining in dispute.
234. The arbitrator or board of arbitration has power to summon any person to administer oaths and affirmations and to accept for or exclude from consideration any oral testimony, document or other thing, whether admissible in a Court of Law or not.
235. The arbitrator or board of arbitration inquires into, considers and decides on all matters remaining in dispute between the parties. A report must be made to the parties and to the Commission within 60 days after the giving of the notice of the appointment of the arbitrator or board of arbitration. The decision is binding upon the parties.

236. Within 30 days after receipt by the parties of the report, they must prepare a document giving effect to all matters agreed upon and the decision of the arbitrator or board of arbitration. The parties must execute the document which constitutes an agreement.
237. Where the parties fail to execute the document within the time prescribed, the arbitrator or board of arbitration prepares the document and fixes a time and place where the parties must execute the document. In case of failure the document is deemed to be in effect as though it had been executed by the parties and it constitutes an agreement.

Final Offer Selection

238. Where the parties agree to refer all matters remaining in dispute to a selector, they jointly give a written notice to the Commission to that effect. This notice is accompanied by a statement setting out that neither party will withdraw from the proceedings after the final offers have been submitted to the selector and that they will accept the decision of the selector as binding upon them.
239. The Commission appoints a selector and notifies the parties of the name and address of the selector and the date of his appointment. The selector may not have any interest in the matters submitted to him.
240. Within seven days after the giving of notice that the selector has been appointed, the parties jointly notify the selector of the matters agreed upon and those remaining in dispute. Within 15 days of the notice of appointment each party submits its final offer on all the matters remaining in dispute. The selector provides a copy of the final offer to the opposite party.
241. Each party has ten days to reply to the other party's final offer. One or more hearings may be held by the selector before making a selection. However, the parties may agree to dispense with a hearing and in such case they may jointly give written notice to the selector.
242. In his decision the selector selects all of one of the final offers on all matters remaining in dispute between the parties given by one or the other of the parties. Such decision is binding on the parties.
243. Within 30 days of the decision, the parties must prepare a document giving effect to the decision of the selector and execute such document which constitutes an agreement. Where the parties fail to execute the document it is deemed to be in effect and constitutes an agreement.

Agreements

244. Every agreement must provide for a term of operation of at least one year, state that it is in effect on and after September 1, in the year in which it is to come into operation, and state that it expires on August 31, in the year in which it ceases to operate.

245. Where a conflict appears between the agreement and the Act or regulations, the provisions of the Act or regulation prevail.
246. Unless the agreement provides otherwise, it is deemed to include a provision to the effect that any difference arising between the parties relating to the interpretation, application or administration of the agreement must be submitted to a single arbitrator or a board of arbitration for settlement.
247. The agreement must provide that strikes or lockouts are prohibited during the term of the agreement. If not, it is deemed to contain such provision.
248. A collective agreement between a board and a branch affiliate is deemed to form part of the contract of employment between the board and each teacher who is a member of that branch affiliate and in case of conflict the agreement prevails over the contract of employment.
249. Where the parties agree on all the matters to be included in the agreement, the chief executive officer of the board or of each of the boards involved in negotiations must give notice to the Commission, and the parties must prepare a document incorporating those matters and execute the document which constitutes an agreement.
250. The agreement is binding upon the board, upon the branch affiliate that is a party to it and upon the teachers employed by the board who are members of the branch affiliate.

Education Relations Commission

251. The Act establishes the Education Relations Commission which is composed of five persons appointed by the Lieutenant-Governor-in-Council for a term of one, two or three years so that as nearly as possible one third of the members retires each year.
252. Two members are designated as chairman and vice-chairman of the Commission. Each member is eligible for reappointment upon the expiration of his term of office. Three members of the Commission constitute a quorum. The powers of the Commission are exercised by resolution.
253. Among other things, the duties of the Commission are to maintain an awareness of negotiations between teachers and boards, provide assistance to the parties in making or renewing agreements, select, and where necessary train persons who may act as mediators, fact finders, arbitrators or selectors, determine if one or both parties negotiate in good faith, determine the manner of conducting and supervise votes by secret ballot pursuant to the Act, and advise the Lieutenant-Governor-in-Council when in the opinion of the Commission the continuance of a strike or lockout will jeopardize the successful completion of courses by students.

254. No member of the Commission may be required to give testimony in any proceeding under this Act with regard to information obtained in the discharge of his duties.

Strikes and Lockouts

255. Bill 100 prohibits strike action unless no agreement is in force, notice of desire to negotiate has been given, the fact finding procedure has been carried out, the last offer of the board has been rejected by a vote by secret ballot of the employees under the supervision of the Commission, a strike vote has been taken (also supervised by the Commission) and at least five days notice of the strike and of the date on which the strike will commence has been given by the branch affiliate to the school board.
256. A principal and vice-principal are members of a branch affiliate. However, in case of a strike they must remain on duty. The Ontario Teachers' Federation, any affiliates or branch affiliate and any officer, official or agent of the Federation may not authorize or threaten or support or encourage an unlawful strike.
257. The Ontario School Trustees' Council, a member association or board may not authorize or call an unlawful lockout. Officers, officials or agents of the Council, member associations, or boards are prohibited to support or encourage an unlawful lockout.
258. Application to the Ontario Labour Relations Board for a declaration that a strike or lockout is unlawful may be submitted either by a board, a member association, the Ontario School Trustees Council or by the Ontario Teachers' Federation or any person resident within the jurisdiction of the board as the case may be.
259. Where a lawful strike takes place against a board, the board may declare a state of lockout against all members of the branch affiliate except for principals and vice-principals. No lockout may take place until the proposal of the branch affiliate last received by the board has been presented to a meeting of the board in public session.
260. In case of a lawful strike, the school board may close a school where it is of the opinion that the safety of students may be endangered, that the buildings, equipment or supplies may not be adequately protected during the strike or that the strike will substantially interfere with the operation of the school. The contract of employment or position of a teacher is not terminated by reason of his participation in a lawful strike.

Penalties

261. Every person who contravenes any provision of the Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for each day that the offence continues.

262. In the case of the Ontario School Trustees Council, every member association, every board and the Ontario Teachers' Federation, the penalty for contravention of any provision of the Act is a fine of not more than \$10,000 for each day that the offence continues.
263. No prosecution may be instituted without the consent of the Ontario Labour Relations Board. The consent to prosecute may only be granted after affording an opportunity to the person or body seeking the consent and the person or body sought to be prosecuted to be heard.
264. Are not compellable witnesses in any proceeding under this Act, the Minister and Deputy Minister of Education, the chairman, a vice-chairman or a member of the Ontario Labour Relations Board, an arbitrator or member of a board of arbitration, or a selector.
265. On July 18, 1975, Bill 108, being An Act respecting Collective Bargaining for Colleges of Applied Arts and Technology, received Royal Assent.

General

266. The Bill provides procedures for the making and renewing of agreements between the Ontario Council or Regents on behalf of the boards of governors of the Colleges of Applied Arts and Technology and employee organizations that represent the persons employed as academic or support staff.
267. The Ontario Council of Regents for Colleges of Applied Arts and Technology has the exclusive responsibility for all negotiations on behalf of boards of governors of Colleges of Applied Arts and Technology.
268. The academic staff bargaining unit includes the employees of all boards of governors who are employed as teachers, counsellors or librarians but does not include chairmen, department heads, directors, persons above the rank of chairman, department heads or director, other persons employed in a managerial or confidential capacity and teachers who are employed for not more than twelve months in any 24 month period.
269. Persons who are members of the architectural, dental, engineering, legal or medical profession, entitled to practise in Ontario and employed in a professional capacity, and persons engaged and employed outside Ontario are also excluded from that unit.
270. The support staff bargaining unit includes the employees of all boards of governors employed in positions or classifications in the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria and nursery staff but does not include foremen, supervisors and persons above the rank of foreman or supervisor.

271. Persons employed in a confidential capacity in matters related to employee relations or formulation of budget are also excluded and so are other persons employed in managerial or confidential capacity, persons regularly employed for not more than 24 hours a week and students employed in a co-operative educational training program undertaken with a school, college or university.
272. Also excluded from the support staff bargaining unit are college graduates during the period of twelve months immediately following completion of a course of study if the employment of the graduate is associated with a certification, registration or other licensing requirement, a person engaged for a project of a non-recurring kind, a person who is a member of the architectural, dental...profession employed in a professional capacity or a person engaged and employed outside Ontario.

Negotiations

273. There is no limitation on the scope of bargaining except for superannuation. Notice of desire to negotiate may be given by either party during the month of January in the year in which an agreement expires. Where no such notice is given, the existing agreement is continued until a notice to bargain is given in accordance with the Act.
274. The parties must meet within 30 days after the notice is given and negotiate in good faith. During negotiations the parties may choose either of the following procedures to reach an agreement: (1) request the College Relations Commission to assign a person to assist them in making or renewing the agreement; (2) request the Commission to appoint a fact finder; (3) refer all unresolved matters to a single arbitrator or a board of arbitration, or to a selector.

Fact Finding

275. A fact finder is appointed by the College Relations Commission where the parties have not referred the matters remaining in dispute to an arbitrator or a board of arbitration. One or both parties must notify the Commission that an impasse has been reached and request the appointment of a fact finder. A fact finder is also appointed where the Commission is of the opinion that an impasse has been reached.
276. Even though a fact finder has been appointed, the parties may still make or renew the agreement, or agree to refer all unresolved matters to an arbitrator, a board of arbitration or to a selector for determination. A fact finder may not have pecuniary or other interests in the matters submitted to him.
277. Where the Commission appoints a fact finder a written notice is given to each of the party. Within seven days after receipt of such notice each party notifies in writing the fact finder and the other party of all the matters agreed upon and all those remaining in dispute.

278. In assisting the parties making or renewing an agreement, the fact finder may consider among other things the conditions of employment in occupations outside the teaching sector, the effect of geographic or other local factors on the terms and conditions of employment, the cost to the employers of the proposal of either party and the interests and welfare of the public.
279. The fact finder determines his own procedure and must submit his report to the Commission within 30 days after the date of his appointment or within such longer period of time as the Commission may direct. The report is not binding on the parties; it is there for their advice and guidance.
280. After a copy of the report of the fact finder has been given to each party, the Commission may assign a person to assist the parties to make or renew an agreement where it is of the opinion that the parties will benefit from such assistance. The report of the fact finder is made public by the Commission where the parties fail to reach an agreement within 15 days after each party has received a copy of the report.
281. Where the parties fail to reach an agreement within 15 days, they may agree to refer all matters remaining in dispute to an arbitrator or a board of arbitration or to a selector for determination.

Voluntary Binding Arbitration

282. Where the parties agree to refer all matters remaining in dispute to arbitration, they must jointly notify the Commission that they so agree and inform the Commission whether they have decided in favour of a single arbitrator or a board of arbitration. The notice must state the name of the arbitrator or each party's appointee as member of an arbitration board. Where the parties fail to make the appointments, the Commission makes them.
283. Where the parties have decided in favour of a board of arbitration, the two members appointed by the parties or the Commission must appoint a third person to act as chairman within ten days after the giving of notice of their appointment by the parties or by the Commission. The Commission appoints the chairman where the parties are unable to agree.
284. The decision of the arbitrator or the board of arbitration must be rendered within 60 days after the appointment or within such longer period of time as may be provided in writing by the arbitrator or the board of arbitration and consented to by the Commission.
285. Each party must notify the arbitrator or chairman in writing of all the matters they have agreed upon and those remaining in dispute. The arbitrator or board of arbitration determines his or its own procedure. The decision of a majority of the board is the decision of the board. Where there is no majority the decision of the chairman is the decision of the board.

286. The arbitrator or board of arbitration has power to summon any person, to administer oath and to accept or exclude any testimony, document or other thing, whether admissible in a Court of Law or not. The arbitrator or board of arbitration must inquire into, consider and decide on all matters remaining in dispute between the parties. The decision is binding upon the parties.
287. Within 30 days after receipt by the parties of the report of the arbitrator or board of arbitration, the parties must prepare a document giving effect to all matters agreed upon and the arbitration decision and execute the document which constitutes an agreement.
288. Where the parties fail to prepare the document, it is prepared by the arbitrator or board of arbitration. Where they fail to execute the document within the time prescribed by the arbitrator or board of arbitration, it is deemed to be in effect and constitutes an agreement.

Final Offer Selection

289. The parties notify jointly the College Relations Commission where they agree to refer the dispute to a selector. The notice must include the name of the selector or request the Commission to appoint one. Together with the notice, the parties give to the Commission a written statement setting out that neither party will withdraw from the proceedings after the final offers have been submitted to the selector, and that the decision of the selector will be accepted by the parties as binding upon them.
290. A person appointed selector may not have any pecuniary or other interests in the matters coming before him. Within seven days after the giving of the notice that the selector has been appointed, the parties must notify the selector of all the matters they have agreed upon and all those remaining in dispute. Within 15 days of the first notice, each party submits its final offer.
291. Each party may reply to the other party's final offer. The selector may hold a hearing on the matters remaining in dispute before making a selection. However, the parties may agree to dispense with a hearing. The selector determines his own procedure and has the power to summon any person, to administer oaths and to accept or exclude any testimony or document.
292. The selector makes a selection within 15 days of the hearing, or of the giving of the notice by the parties that they have agreed to dispense with a hearing, or within such longer period of time as may be provided in writing by the selector and consented to by the Commission. The decision is binding upon the parties.
293. Within 30 days after receipt of notice of the decision of the selector, the parties must prepare and execute a document giving effect to all matters agreed upon by the parties and the decision of the selector. If the parties fail to act as prescribed by the Act, the document is deemed to be in effect and it constitutes an agreement.

Agreements

294. Every agreement must provide for a term of operation of not less than one year, that it is effective on and after September 1, in the year in which it is to come into operation, and state that it expires on August 31, in the year in which it ceases to operate.
295. Every agreement must also provide for the final and binding settlement by arbitration of all differences between an employer and the employee organization arising from the interpretation, application, administration or alleged contravention of the agreement. The agreement is deemed to include a provision to that effect unless it provides otherwise.
296. Where a board of arbitration determines that a disciplinary penalty or dismissal of an employee is excessive, it may substitute such other penalty as it considers just and reasonable. The decision of an arbitrator or board of arbitration is final and binding upon the employer, the employee organization and upon the employees covered by the agreement who are affected by the decision.
297. A collective agreement must provide that there will be no strike or lockout during the term of operation or during renewal of the agreement. Where a conflict appears between the agreement and the legislation, the provisions of the legislation prevail. A collective agreement is binding upon the Ontario Council of Regents for Colleges of Applied Arts and Technology, the employers, the employee organization and upon the employees in the bargaining unit.
298. Every agreement is deemed to provide that the employee organization that is a party thereto is recognized as the exclusive bargaining agent.
299. The parties to an agreement may provide for the payment by the employees of dues or contributions to the union. However, the Ontario Labour Relations Board may order that an employee be dispensed of paying union dues because of his religious convictions or belief provided that equivalent amounts are remitted by the employer to a charitable organization.
300. Where notice to bargain has been given by either party, the terms and conditions of the existing agreement continue to operate until the right to strike or lockout is gained except where the parties have agreed otherwise in writing. If no prior agreement was in force the conditions of employment in effect may not be altered except with the consent of the parties and the Council until there is a right to strike or lockout as provided in the Act.

College Relations Commission

301. The Act establishes the College Relations Commission which is composed of five persons appointed by the Lieutenant-Governor-in-Council for one, two or three years.

302. A chairman and vice-chairman are designated by the Lieutenant-Governor-in-Council. Replacement of members for reason of death, resignation or incapacity are also appointed by the Lieutenant-Governor-in-Council.
303. The powers of the Commission are exercised by resolution. Among other things it is the duty of the Commission to maintain an awareness of negotiations between the parties, to provide assistance to the parties in the making or renewing of agreements and to determine the manner of conducting and to supervise votes by secret ballot pursuant to the Act.
304. No member of, or person employed or engaged by the Commission may be required to give testimony in any proceeding under the Act or before a court or tribunal with regard to information obtained by that person in the discharge of duties.

Strikes and Lockouts

305. Strike action is prohibited unless no agreement is in force, every reasonable effort has been made in good faith to make an agreement, the fact finding procedure has been carried out and the last offer of the Council has been rejected by a vote by secret ballot of the employees. A strike vote must also be taken and at least five days notice of the strike and of the date on which the strike will commence must be given by the employee organization to the Council. Similar provisions apply to lockouts.
306. Where notice of a lawful strike is given, all employees in the bargaining unit concerned are deemed to be taking part in the strike, and no employee is paid salary or benefits during the period of strike. Unlawful strikes and lockouts are prohibited by the Act. The Ontario Labour Relations Board may make a declaration to the effect that a strike or lockout is illegal upon application of one of the parties.

Representation Rights

307. The Act provides that every person is free to join an employee organization of his own choice and to participate in its lawful activities. Where an agreement is for a term of not more than three years, applications for bargaining rights may be made to the Ontario Labour Relations Board only during the month of December prior to the termination date of the agreement.
308. If the agreement is for a term of more than three years, application for bargaining rights may be made only during the month of December in the third year of operation of the agreement or in each year of operation of the agreement after the third year.
309. Upon an application for bargaining rights by an employee organization claiming not less than 35% of the employees in the appropriate bargaining unit as members, the Ontario Labour Relations Board directs that a representation vote be taken where it is satisfied that not less than 35% of such employees are members of the employee organization.

310. Bargaining rights are granted by the Ontario Labour Relations Board where more than 50% of the ballots cast are in favour of the employee organization. Such rights are not granted by the Board if in its opinion there has been participation in the employee organization by the Council or an employer.
311. The employee organization may give the Council written notice of its desire to negotiate after being granted representation rights. If the parties do not enter into an agreement within one year of certification or fail to give notice to bargain, the Council or any employee in the bargaining unit may apply to the Ontario Labour Relations Board for a declaration that the employee organization no longer represents the employees in the unit.
312. Upon application by the employer or any employee in a bargaining unit, the Ontario Labour Relations Board may declare that the employee organization no longer represents the employees in the bargaining unit where the employee organization wishes to be released of its representation rights. Such declaration may also be made where the board is satisfied that an employee organization has obtained representation rights by fraud.
313. The Act prohibits to attempt at the employee's place of work to persuade him to become or refrain from becoming a member of an employee organization, except as the Council and an employee organization may otherwise agree. Interference by the Ontario Council of Regents for Colleges of Applied Arts and Technology or an employer in the formation or administration of an employee organization is also prohibited by the Act.
314. The Council, an employer or any person acting on behalf of an employer may not refuse to employ or to continue to employ or discriminate against a person because that person is exercising a right under the Act or is or is not a member of an employee organization. The employer may not impose any condition on an appointment or in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of an employee organization.
315. Intimidation or threat of dismissal by the employer to compel an employee to become or refrain from becoming a member of an employee organization is prohibited by the Act.
316. An employee organization may not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees, whether members of the employee organization or not.
317. The Ontario Labour Relations Board may appoint an investigator with authority to inquire into a complaint that a person has been refused employment, discharged, discriminated against or threatened, suspended or penalized because of participation in a proceeding under the Act.
318. The investigator inquires into the complaint and endeavours to effect a settlement of the matter. The Ontario Labour Relations Board may also inquire into the complaint and make a determination.

319. The Council, an employer or any person acting on their behalf may not refuse to employ or continue to employ a person, threaten dismissal, discriminate against a person in regard to employment or a term or condition of employment or intimidate or coerce or impose a pecuniary penalty on a person because of a belief that that person may participate in any way in a proceeding under the Act.
320. Where a question arises as to whether a person is an employee, including a question as to whether a person employed as a chairman, departmental head, director, foreman or supervisor is employed in a managerial or confidential capacity, the question may be referred to the Ontario Labour Relations Board and its decision is final and binding for all purposes.
321. The Ontario Labour Relations Board has among other things, the power to enter any premises of an employer and inspect any work and material and interrogate any person respecting any matter. The board may also conduct representation votes on the premises of an employer.

Offence and Penalty

322. Every person who contravenes any provision of the Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for each day upon which the contravention occurs or continues.
323. Employers and employee associations are liable to fines of not more than \$10,000 for each day that the offence continues. No prosecution for an offence under the Act may be instituted except with the consent of the Ontario Labour Relations Board which may only be granted after affording an opportunity to the person or body seeking the consent and the person or body sought to be prosecuted to be heard.
324. The following persons are not compellable witnesses in any proceedings under the Act: the Minister and Deputy Minister of Colleges and Universities, a person employed in a position confidential to the Minister or Deputy-Minister of Colleges and Universities, the chairman, a vice-chairman or a member or employee of the Ontario Labour Relations Board, an arbitrator or member or chairman of a board of arbitration and a selector.
325. The Ontario legislature adopted An Act to amend The Ministry of Colleges and Universities Act, on July 18, 1975 (Bill 109). The Bill repeals the Collective Bargaining provisions added to the Act in 1972 and is complementary to the Bill entitled An Act respecting Collective Bargaining for Colleges of Applied Arts and Technology.
326. On July 18, 1975, Bill 132 being An Act respecting the Negotiation of Collective Agreements between the Provincial Schools Authority and Teachers received Royal Assent.
327. Bill 132 makes the provisions of the Act respecting the Negotiation of Collective Agreements between School Boards and teachers (Bill 100), with appropriate changes, apply to teachers employed in schools operated by the Ministry of Education, the Ministry of Correctional Services and the Ministry of Health.

328. The Act establishes a Provincial Schools Authority which consists of five members appointed by the Lieutenant-Governor-in-Council. Provision is made in the Bill for the Authority to negotiate on behalf of the Ministries.

Québec

329. On May 30, 1975, An Act to repeal the Act to incorporate "La Corporation générale des instituteurs et institutrices catholiques de la province de Québec", received Royal Assent.
330. Bill 92 repeals the Act of incorporation of the Québec Teachers' Corporation. Another body incorporated under the Professional Syndicates Act and called the "Centrale de l'enseignement du Québec" has taken over all the assets and liabilities of the Québec Teachers' Corporation.
331. Bill 92 repeals the Act and ratifies the transfer of the rights and obligations of the Québec Teachers' Corporation to the "Centrale de l'enseignement du Québec".

Health Services and Social Services

Québec

332. Bill 36 being An Act to amend the Act respecting health services and social services, received Royal Assent on June 19, 1975, in the Québec legislature.
333. The amendment provides that when a person who becomes a member of the board of directors of an establishment ceases by that fact to qualify in the establishment as an employee within the meaning of the Labour Code, his conditions of employment shall continue to be governed by the collective agreement then in force for the employees of the establishment, or any other subsequent agreement, for such time as that person remains a member of the board of directors.
334. On December 19, 1975, the Québec legislature adopted Bill 253 being An Act to ensure the provision of essential health services and social services in the event of a labour dispute.
335. Bill 253 contains provisions regarding the identification and maintaining of essential services in the field of health services and social services, and introduces special provisions as a complement to the existing provisions of the Labour Code governing negotiations in respect of essential services, the honouring of agreements in their regard, and the acquiring of the right to declare a strike or a lockout.
336. The Bill provides for the appointment of a commissioner and assistant commissioners for essential services by the Lieutenant-Governor-in-Council. The commissioner is appointed from among the judges who are members of the Labour Court.

337. The Act applies to hospital centres, local community service centres, reception centres, etc.... Strikes and lockouts are prohibited in these establishments unless the parties are entitled thereto under the Labour Code and a prior agreement has been concluded between the parties respecting the essential services which must be maintained and the manner in which these services are to be maintained.
338. Where the parties bargain collectively for the purpose of making an agreement and are unsuccessful in their negotiations, the commissioner for essential services must intervene if no agreement on essential services has been filed with the clerk of the Labour Court within 30 days after the Minister was notified of the difficulties encountered by the parties in their negotiations.
339. The commissioner determines the essential services where the parties cannot agree on these services. The decision may be changed after consultation with the parties. The decision of the commissioner or one of his assistants is final and without appeal.
340. An association of employees which authorizes, encourages or incites a person to go on strike in an establishment in the absence of an agreement on essential services or a decision of the commissioner, or which authorizes, encourages or incites a person to contravene the terms of an executory agreement or decision is guilty of an offence and liable, on summary proceeding in addition to the costs to a fine of \$5,000 to \$20,000 for each day or part of a day during which the offence continues. The same principle and fines apply to an employer or employers' association in case of a lockout.

Civil Servants

Federal

341. On July 21, 1975, Parliament adopted An Act to amend the Public Service Staff Relations Act (Bill C-70). The Act was proclaimed in force on October 1, 1975.

Public Service Staff Relations Board

342. The constitution of the Public Service Staff Relations Board is amended by Bill C-70. The Bill provides that the board will now consist of a chairman, a vice-chairman, not less than three deputy chairmen and such other full-time members and part-time members as the Governor-in-Council considers necessary.
343. The chairman, vice-chairman and deputy chairmen are appointed for a period not exceeding ten years. The office may not exceed seven years in the case of other members of the board. Appointments of members other than the chairman, vice-chairman or deputy chairmen are made from a list prepared by the chairman and including names of eligible persons recommended by the employer and by the bargaining agent and other persons whom the chairman considers suitable for appointment as a member.

344. The amendment provides that a member of the board who ceases to be a member for any reason other than for cause is permitted to carry out and complete the duties and responsibilities he had acquired under the Act as a member. Remuneration of that member is provided for in the amendment.
345. At any meeting of the board for the conduct of its business, other than a proceeding before the board, the chairman or vice-chairman, one deputy chairman and a majority of the other full-time members must be present. The board may establish divisions consisting of one or more persons chosen from among the members. The board may also delegate some of its powers and functions to the vice-chairman and deputy chairmen.

Arbitration

346. Bill C-70 provides for the Public Service Staff Relations Board to take over the functions and powers of the Arbitration Tribunal except where the chairman considers it desirable to appoint an outside arbitrator.
347. The board must appoint two panels, one panel consisting of at least three persons representative of the interests of the employer and the other to consist of at least three persons representing the employees' interests. For the period of the arbitration proceedings and for the purpose of the arbitration only, the board is deemed to consist of a member of the board and two other persons selected from each of the panels.
348. A person may not act as a member of the board in respect of a matter referred to arbitration if he has at any time, six months before the day of his selection acted in respect of any matter concerning employer-employee relations as solicitor, counsel or agent of the employer or of any employee organization that has an interest in the matter referred to arbitration.
349. Where he considers it advisable, the chairman may appoint an arbitrator in place of the board in respect of any matters in dispute referred to arbitration. The arbitrator must be eligible to be a member of the board but without being actually member of the board or of a panel, or he must be eligible to act as a member of the board in respect of a matter referred to arbitration.
350. The arbitral award is signed by the member of the board who is not a member selected from a panel. Copies of the award are transmitted to the parties to the dispute. A decision of the majority of the members of the board constitutes the arbitral award in respect of the matters in dispute. However, where a majority of such members cannot agree on the terms of the arbitral award, the decision of the member of the board who is not a member selected from a panel is the arbitral award.

351. Where it appears that the board has failed to deal with any matter in dispute referred to it, either party may refer the matter back to the board within seven days from the day the award is rendered. Upon such application, the board may amend, alter or vary any provision of the award where it appears to the board that such amendment is warranted under the circumstances.

Arbitration of Grievances

352. Bill C-70 provides that the Public Service Staff Relations Board must assign members as may be required to hear and adjudicate upon grievances referred to adjudication. A board of adjudication is composed of three persons, namely, a member of the board who acts as chairman and two other persons nominated respectively by each of the party. No member of a board of adjudication may have any direct interest in or in connection with the grievance.
353. Where a grievance is referred to adjudication, the aggrieved employee notifies the board and specifies in the notice whether an adjudicator is named in the collective agreement or whether he requests the establishment of a board of adjudication. The board refers the matter to the adjudicator named in the notice or to a board of adjudication as the case may be.
354. Where an obligation that is alleged to arise out of the collective agreement or arbitral award may not be the subject of a grievance, either the employer or the bargaining agent may refer to the board which hears and determines whether there is an obligation as alleged and if there has been a failure to observe or to carry out the obligation. The board hears the matter as though it was a grievance.

General

355. Except as provided in the Act, every order, award, direction, decision, declaration or ruling of the board, an arbitrator appointed from outside the board or an adjudicator is final and may not be questioned or reviewed in any court.
356. No order may be made or process entered, and no proceedings may be taken in any court, whether by way of injunction, certiorari, prohibition, quo warranto or otherwise, to question, review, prohibit or restrain the board, an arbitrator appointed from outside the board or an adjudicator in any of its or his proceedings.
357. No member of the Public Service Labour Relations Board or of a conciliation board and no adjudicator, conciliator or officer or employee of or person appointed by the board and no arbitrator appointed from outside the board may be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties.
358. On July 4, 1975, a Private Member's Bill was introduced in the House of Commons, namely, An Act to amend the Public Service Staff Relations Act and the Canada Labour Code to provide for the establishment of sector bargaining.

359. The purpose of the Bill is to require union groups in a single public service sector to bargain with the Treasury Board simultaneously, and to negotiate contracts which would run for three years and expire at the same time. This would assure the taxpaying public that each essential public service sector would be strike free, except for the possibility of a walkout every three years.
360. The Regulations and Rules of Procedure of the Public Service Staff Relations Board adopted in April 1967, are revoked. The new regulations became effective on October 22, 1975.
361. The new regulations contain provisions related to certification procedure, designation of managerial or confidential persons, procedure for revocation of certification, dispute process specification, designated employees, declaration that strikes are unlawful or lawful, consent to prosecute, complaints procedure, arbitration and grievance process and adjudication procedure.
362. Where an application for certification is filed, the registrar fixes a terminal date (day fixed with reference to which certain actions with respect to an application are to be taken by the parties). The board may require the employer to post notices of the application in the work place. An employer must file a reply to the application. Other employee organizations may intervene by filing an intervener's application. After the terminal date, the registrar serves a notice of hearing upon each of the parties and upon every person who has filed a document in the proceeding.
363. Where, after the board has certified an employee organization as bargaining agent, the employer wishes to designate a person employed in a managerial or confidential capacity, he must file with the registrar a statement setting forth the name of the person concerned, the job description, the paragraph in which such person is described in the legislation and where necessary the position, title and occupational group of the person to whom the position of employment of the described person is confidential. The bargaining agent may object to the designation by filing with the registrar a notice of objection containing a concise statement of the grounds of the objection.
364. An application for revocation of certification may be made by an employer or by a person other than the employer. Where the application is not made by the employer, he must file a reply with the registrar.
365. The board may require the employer to file a list of employees in the bargaining unit. Evidence of signification by employees that they no longer wish to be represented by the employee organization is not accepted except in writing.

366. Before specifying the process for resolution of dispute, the bargaining agent may file with the registrar a request that the board require the employer to furnish to the board a statement of the employees or classes of employees in the bargaining unit whom the employer considers to be designated employees. A dispute process specification made by the bargaining agent may be altered not earlier than one month before notice to bargain may be given in accordance with the Act.
367. Where the employer files a statement of designated employees, the bargaining agent may object. The registrar serves a copy of the objection of the bargaining agent to the employer and, on the direction of the board, serves the parties with a notice of hearing. The employer must file with the registrar a list of employees as specified by the board. The registrar provides the bargaining agent concerned with a copy of the list of employees. The board must inform each designated employee by personal service, registered mail, telex, radio or telegraph.
368. An application for a declaration that a strike is or would be unlawful must be filed with the registrar. A reply may be filed by a respondent. Where no reply is filed by the time prescribed, the registrar on the direction of the board serves the parties with a notice of hearing.
369. An application for consent to prosecute must be filed with the registrar and must be accompanied by a statutory declaration or statement made under oath or affirmation by a person who has personal knowledge of the facts upon which the applicant relies. Each respondent is served with a copy of the application and declaration and must reply within ten days. A copy of the reply is served upon the applicant. The board may direct that a hearing be held. Notices are served on the parties accordingly.
370. A notice of request for arbitration must be filed with the Secretary of the board. A notice of request for arbitration on any additional matter must also be filed with the Secretary. The proposals of the parties are sent to the Secretary who delivers the other party a copy of such proposals. Both parties must file a memorandum of the points to be argued and a copy of the material in support thereof.
371. The regulations contain provisions related to the grievance process and adjudication procedure. Sections dealing with the grievance process do not apply in respect of employees included in a bargaining unit for which a bargaining agent has been certified by the board, to the extent that those sections are inconsistent with any provisions contained in a collective agreement.
372. Each employer must establish a grievance process which may not consist of more than four levels, appoint an authorized representative for each level and inform the employees of the name or title of the person so appointed. This information is communicated to the employees by means of notices posted in conspicuous places. A grievance form must be prepared by the employer and submitted to the board for approval. Copies of this form must be made available to the employees.

373. An employee presents a grievance, at any level, to his immediate supervisor or local officer-in-charge who forwards a copy of the grievance to the authorized representative of the employer at the appropriate level and delivers a receipt to the said employee.
374. Where a grievance is related to classification or disciplinary action resulting in discharge it must be presented at the final level only not later than the 25th day after the employee is notified or has knowledge of any action giving rise to the grievance. In other cases, the grievance must be presented at the first level within 20 days of notification or knowledge by the employee of such action giving rise to the grievance.
375. A grievance related to the interpretation or application of a provision of a collective agreement must contain a statement signed by an authorized representative of the bargaining agent signifying that the employee in presenting his grievance, has the approval of and will be represented by the bargaining agent.
376. Grievances presented at the first level may be presented at a higher level not later than the tenth day after the day on which the employee received a reply to his grievance at the last preceding lower level, or the 30th day after the last day on which the employer was required to reply to his grievance at the last preceding lower level whichever occurs first.
377. Where a grievance is presented at any level, the authorized representative of the employer at that level serves upon the employee a reply to the grievance in writing not later than the 15th day after the day on which the grievance was presented at that level.
378. In the case of a grievance related to classification the reply must be served on the employee within 60 days after the grievance was presented. If the grievance is related to interpretation or application of a provision of a collective agreement, a copy of the reply of the authorized representative of the employer must be served upon the authorized representative of the bargaining agent.
379. Grievances related to the interpretation or application of a provision of a collective agreement or arbitral award, or related to disciplinary action resulting in discharge, suspension or a financial penalty may be referred to adjudication by filing a notice with the registrar.
380. Such grievances may be referred to adjudication not later than the 30th day after the day on which the employee received a reply at the final level or the last day on which the employer was required to reply to the grievance at the final level.
381. Where a grievance is related to interpretation of a collective agreement, the notice must contain a statement by an authorized representative of the bargaining agent for the employee that the bargaining agent approves of the reference of the grievance to adjudication, and is willing to represent the employee in the adjudication proceeding.

382. Where an employee requests the establishment of a board of adjudication, the employer must file with the registrar his objection to the appointment of a board of adjudication or a nomination of a person to be member of the board. Where the employer fails to send his objection or nomination, the appointment is made by the Public Service Staff Relations Board.
383. Where the parties inform the registrar that a hearing is desired, the registrar serves a notice of hearing upon the aggrieved employee and the employer. The decision of an adjudicator or board of adjudication must contain a summary statement of the grievance, a summary of the representations of the parties, the decision on the grievance and the reasons for the decision.
384. The board may dismiss a grievance on the ground that it may not be referred to adjudication. The employee concerned may, within 25 days after he has been served with the decision that his grievance was dismissed, file with the registrar a request that the board review its decision. The board may revoke its decision, serve the employee and other persons affected by the grievance a notice of hearing, or confirm its decision dismissing the grievance.

British Columbia

385. In British Columbia, the Public Service Labour Relations Amendment Act, 1975, received Royal Assent on June 26, 1975. (Bill 135.)
386. The definition of "employee" in the Act is amended. A person employed as justice of the peace is not an employee, and a person qualified under the Medical Act who is engaged in and working in the practice of his profession is also excluded from the coverage of the Act.
387. The Act provides that for the purpose of collective bargaining, every employee is included in one of three bargaining units which are a nurses' bargaining unit, a licensed professional unit and a public service bargaining unit.
388. Bill 135 amends the requirements for the nurses and the licensed professional bargaining units. By virtue of this amendment, the nurses' bargaining unit will include all employees required as a condition of employment to be licensed or registered under the Registered Psychiatric Nurses Act or Registered Nurses Act, including those employees who are eligible for a licence or registration and who are engaged in the practice of such profession.
389. The licensed professional unit will include all employees who are members of an association that has statutory authority to licence a person to practice that profession and who are engaged in the practice of such profession.

390. The Act is also amended by the addition of a provision relating to a strike vote. By virtue of this amendment no person shall declare or authorize a strike and no employee shall strike until after a vote has been taken by secret ballot of the employees in the bargaining unit or occupational group affected as to whether to strike or not to strike and a majority of the members of the bargaining unit or occupational group have voted in favour of a strike.

391. Bill 135 is to come into force on a day fixed by proclamation.

New Brunswick

392. Regulations adopted pursuant to the Public Service Labour Relations Act have been amended in October 1975.

393. The amendment provides that where an employee or group of employees intend to make representation to the Public Service Labour Relations Board in opposition to an application for certification, a concise statement of the material facts upon which the opposition is based must be filed with the board ten days after the posting of the notices of application by the employer in the place of work.

Prince Edward Island

394. In Prince Edward Island, Bill 32 being An Act to Amend the Civil Service Act, received Royal Assent on May 30, 1975.

395. The amendment provides that during the life of a collective agreement when any matter relating to which the Civil Service Commission is empowered by the Act to make regulations, is a matter being the subject of an article in the collective agreement, the Commission shall not amend, revise or repeal the regulations in a manner that would lead to a conflict with the collective agreement.

396. Bill 32 provides that grievance procedures must be established in departments and agencies in accordance with the regulations. Grievors whose grievances are not satisfied at the department or agency level may appeal those matters prescribed as appealable by the regulations. The appeal is to the Grievance Review Board, the members of which are appointed by Lieutenant-Governor-in-Council.

Construction Workers

Québec

397. On June 27, 1975, the Building Contractors Vocational Qualifications Act (Bill 33), received Royal Assent.

398. The object of this bill is to protect the public against bankruptcies and to assure the public that all contractors and builder-owners in the construction industry are financially sound and technically and administratively capable.

399. To that end, a "Régie des entreprises de construction du Québec" is established to attend to the implementation of the Act.

400. The Régie (board) will be composed of eight members appointed by the Lieutenant-Governor-in-Council.
401. Three members, including the president and the vice-president, will be appointed for ten years.
402. The five remaining members will be experienced contractors appointed for three years from among the persons proposed by the most representative contractors' associations in the construction industry.
403. The board will have the function of issuing licences to building contractors after having verified the competence and the solvency of the candidates.
404. The board will be empowered by regulation to require, that contractors furnish security as a guarantee to owners that the construction work will be completed in conformity with the contracts they have entered into.
405. An appeal will lie to the Labour Court from any decision of the board.
406. Finally, this bill provides for the gradual integration of the electrical contractors and the piping contractors.
407. On June 27, 1975, An Act to establish the "Office de la construction du Québec" and to again amend the Construction Industry Labour Relations Act (Bill 47), received Royal Assent.
408. Bill 47 provides for the establishment of a construction board called the Office de la Construction du Québec, entrusted with the application of the construction decree in lieu of the Construction Industry Commission and of the Construction Industry Social Benefits Committee, which are abolished.
409. The board (Office de la Construction du Québec) is a corporation within the meaning of the Civil Code. It consists of three members appointed for not more than ten years by the Lieutenant-Governor-in-Council. One of the members is the chairman of the board. Where the chairman is absent, the member so designated by the Lieutenant-Governor-in-Council replaces him.
410. Two members, one of whom is the chairman, constitute a quorum of the board. The chairman has a casting vote. He presides at the meetings of the board and is responsible for the administration of the affairs of the board.
411. No member of the board may, under pain of forfeiture of office have a direct or indirect interest in any enterprise that places his personal interest in conflict with that of the board.
412. In the performance of its duties, the board may inquire into any matter within its competence. The board has for its inquiries, the power and immunities of a commissioner appointed under the Public Inquiry Commission Act.

413. The board must establish an office in each region where it considers that one is required for the efficient carrying out of its duties. It must also consider any written complaint from an employer or employee respecting the carrying out of its duties.

Joint Committee on Construction

414. The Joint Committee on Construction is established by the Minister and has the charge of deciding any dispute respecting the interpretation of the collective agreement or of the decree. It also gives its opinion on any matter submitted to it by the board.
415. The Committee consists of 12 persons, six of whom represent the associations of employees and the other six representing the employers' association.
416. Each of the associations of employees whose representativeness is 5% designates one member. If the six places are not filled in this manner, they are filled on the second round to the extent of one additional member for each association of employees whose representativeness is 15% or more. Each association in turn exercises its right to appoint one member in order of representativeness until all the places are filled.
417. If any place remains unfilled, a third round is held in the same manner by the associations of employees whose representativeness is 30% or more.
418. The employers' association designates the six members to whom it is entitled. For each meeting, the Committee designates a chairman from among the members present. Such chairman has the right to vote but does not have a casting vote.
419. Within the month following the publication of the decree, associations entitled to designate members to the Committee must send to the board the names of such members, their terms of office and the names of the substitutes.
420. Decisions of the Committee must be approved by both a union majority and the employers' association. Each representative association has one vote exercisable by the whole group of its representatives, the relative value of which corresponds to the association's representativeness.
421. Where the parties fail to agree, the question is ipso facto submitted to the board. The decision of the board is final. Every association may appeal to the board from a decision made by the Committee respecting the interpretation of the decree.
422. The Committee continues to exist after a decree expires to such extent and for such time as the Minister considers appropriate.

Representative Associations

423. Every association wishing to have its representativeness ascertained must apply to the board in the eighth month preceding the expiry date of the decree.
424. The board prepares a list of all the employees whose names appear on the employers' monthly reports filed at the board during the first 12 months of the 15 complete calendar months preceding the month during which election of a representative association is held.
425. During the sixth month preceding the expiry of the decree, every employee whose name appears on the list must inform the board of his election respecting one of the associations. The election is made by secret ballot under the supervision of a representative of the board.
426. The representativeness of an association of employees corresponds to the arithmetic average of the following percentages:
- (a) the percentage that the number of employees who informed the board of their membership in that association and whose names appear on the monthly employers' report filed at the board during the first 12 months of the 15 complete calendar months preceding the month during which the poll is held, is of all the employees whose names appear on the same reports during the same period.
 - (b) the percentage that the number of hours worked during the first 12 months of the 15 complete calendar months preceding the month during which the poll is held by the employees who made known their membership in that association, is of the total hours worked by all the employees whose names appear on the reports during the same period.
427. Not later than the end of the third month preceding the expiry of the decree, the board sends to each employee whose name appears on the list a card indicating: his name, his social insurance number and the name of the representative association he has elected for. This is the only one which the employer is to consider for the purposes of employment.
428. The election made by the employee authorizes an employer to deduct in advance from the salary of such employee the union assessment and requires the employer to remit such assessment to the board with his monthly report.
429. No employer may employ an employee after the third month preceding the expiry date of the decree unless such employee has previously obtained a card from the board.

430. The Association of Building Contractors of Québec which is the employers' association is the sole employers' agent for the purposes of the negotiation and making of a collective agreement. However, a condition of employment which applies only to one sector of the construction industry must, to be negotiated, first be approved by the employers of such sector.
431. Similarly, a condition of employment which only concerns the members of one of the representative associations must, to be negotiated, first be approved by the association concerned.

Negotiations

432. A written notice to bargain may be given by one or more representative associations or the employers' association. Such notice may not be given later than the third month preceding the expiry date of the decree.
433. Negotiations must begin between the employers' association and one or more associations of employees whose representativeness is more than 50%.
434. Where an agreement is not reached, the dispute may be referred to a council of arbitration in accordance with the Labour Code with the consent of the employers' association and the associations of employees whose representativeness is more than 50%. Strikes and lockouts are permitted from the original expiry date of the decree unless the dispute is referred to a council of arbitration.
435. The collective agreement must determine the conditions of employment applicable to all the trades and employments in the construction industry. Only one agreement may be made with respect to such trades and employment.

Juridical Extension

436. Upon the petition of any representative association or the employers' association which has signed a collective agreement, the Lieutenant-Governor-in-Council may order that such agreement applies to the whole construction industry in Québec.
437. The Minister may recommend the approval of the petition by the Lieutenant-Governor-in-Council, with such changes as he deems necessary and which are agreed to by the employers' association and by the associations of employees whose representativeness is more than 50%.
438. The Minister may recommend amendments not approved by the associations to exempt another association of employees or the members of a sector of the employers' association from the effect of a discriminatory clause or a clause affecting its members only and to which it has not consented.

439. The Lieutenant-Governor-in-Council may extend or repeal the decree with the consent of the employers' association and that of the association of employees whose representativeness is more than 50%.
440. The Lieutenant-Governor-in-Council may also, upon the recommendation of the Minister, extend, repeal or amend the decree without the consent of the employers' and employees associations, when he is of the opinion that in the public interest such solution is the only one which can remedy the existing situation. However, the associations must be invited to a hearing before the parliamentary Committee on Labour, Manpower and Immigration with regard to the reasons for the impossibility of coming to an agreement respecting the amendments to be made to the decree.

Content of the Decree Grievance Arbitration

441. The Act provides that any grievance must be referred to a single arbitration officer. Bill 47 provides that such arbitration officer must not have any interest in a grievance submitted to him. If he is aware of a valid ground of recusation, he is bound to make and file in the record a written declaration of it.
442. A party who is aware of a ground of recusation may present to the Labour Court at Montreal or at Québec a motion of recusation. The investigation is suspended from the service of the motion until it has been decided.
443. No person acting as arbitration officer on grievances may be prosecuted for official acts accomplished in good faith in the performance of his duties. The arbitration officer may summon witnesses. He may visit the place of employment relating to the grievance upon request of any of the parties.
444. The arbitration officer renders a decision based solely on the evidence collected at the inquiry unless the agreement or the decree provides to the contrary. In disciplinary matters, the arbitration officer may quash or amend the decision of the employer and make any complementary order deemed necessary for such change.
445. The decision must be in writing and state the grounds on which it is based. It must be rendered within 60 days of appointment of the arbitration officer unless the parties have previously consented to an additional delay and if no delay is fixed in the collective agreement or the decree.
446. The decision is without appeal and binds the parties. The decision may be homologated by the Superior Court of the district where the undertaking concerned is located and become executory as any other judgment.

Employment of Construction Employees

447. The "Office de la construction du Québec" is responsible for the employment of construction employees. Not later than July 1, 1976, the Office must make regulations relating to employment bureaus existing on June 25, 1975, including their regulation, abolition or replacement by a system controlled by the board. The board will also provide criteria of employment.
448. The board is entrusted with the carrying out of any legislative or regulatory provision respecting the safety of construction employees. It is also entrusted with the application of any regulation respecting the training and vocational qualifications of such employees. (Section 32(b) of Bill 47 dealing with vocational qualification will come into force by proclamation.)

Freedom of Association

449. Bill 47 provides that any professional union representing construction employees or any unincorporated group doing business in Québec must file a written declaration with the board. This declaration is signed by the president where the head office or place of business is in Québec, or by the person directing the association where the head office or place of business is outside Québec.
450. The declaration must contain the name of the union or group, the address of the head office or place of business in Québec, the name, address and citizenship of each director and representative resident in Québec, the name and address of any union to which it is affiliated to, the legal status of the union.
451. Such declaration must be made within 60 days after commencement of activities and must be accompanied by a copy of the constitution and by-laws of the union. For existing associations, it must be filed not later than September 1, 1975.
452. The constitution of the union must provide for the election of persons occupying management positions, strikes, approval or rejection of a draft collective agreement and the fixing of the assessment which can only be decided by secret ballot by the majority of the members present at a meeting duly called.
453. The constitution must also provide that every member has the right to express his dissent at any meeting or at any vote without incurring any penalty.

Penalties

454. By virtue of Bill 47, any person who violates a prescription of the Act or of a regulation made thereunder is liable to a fine of not less than \$100 nor more than \$600 in the case of an individual and to a fine of not less than \$500 nor more than \$2,000 in the case of a corporation or partnership.

455. For the first subsequent offence within two years, the fine must not be less nor more than twice the fines imposed on the first offence. For any subsequent offence within two years, the fine must not be less nor more than three times the amount of the first fine.

The Association of Building Contractors of Québec

456. The representative employers' associations existing at the coming into force of Bill 47 must before October 1, 1975, submit for approval by the Lieutenant-Governor-in-Council the constitution and by-laws of "The Association of Building Contractors of Québec".
457. Every employer of the construction industry must be a member of the association. The constitution and by-laws of the association must provide for the establishment of four sectors: (1) residential construction, (2) industrial construction, (3) roads and engineering, (4) general sector (cannot be identified with sectors one, two or three).
458. The constitution must also provide for the election of persons occupying management positions, lockouts, the amount of assessment, etc.... It must also provide that every member has the right to express his dissent at any meeting or vote.
459. The employers' association must devote its time exclusively to labour relations in the construction industry.

General

460. The "Office de la construction du Québec" replaces the Construction Industry Commission and the Construction Industry Social Benefits Committee. The regulations made by the bodies replaced by the "Office de la construction du Québec" remain in force.
461. Until the decree is replaced, the members and substitutes designated by the employers' and employees associations as members of the Construction Industry Commission are the members of the Joint Committee on Construction.
462. Bill 47 came into force on the day of its sanction.
463. The Québec legislature adopted in October 1975, regulations respecting the poll of construction employees. These regulations were made pursuant to the Construction Industry Labour Relations Act, as amended by Bill 47.
464. A membership and representation poll of all construction employees was held in November 1975 under the supervision of the "Office de la construction du Québec". The territory of the Province of Québec is divided into administrative regions which are: the Lower St-Lawrence-Gaspé area, Saguenay-Lac-St-Jean, Québec, Trois-Rivières, the Eastern Townships, Southern Montréal, Greater Montréal, Northern Montréal, the Ottawa Valley, North-Western Québec and the North Shore. Each administrative region constitutes a separate entity for election purposes.

465. By virtue of the regulations, the polls could be established in a regional office of the board, in a Québec Manpower Centre, in an office of the Department of Social Affairs, in an office of the Manpower Vocational Training Commission or any other place determined by the board.
466. Each employee association could designate one of its members as a representative at each ballot box in order to witness the progress of the poll. The representative reported to the scrutineer appointed by the board, and had to remit the proxy of the association by which he was delegated. The scrutineer was to ensure that the poll progressed in good order, that every person voted behind a polling booth and that there was not more than one voter at a time in the polling booth or at the poll officers' table.
467. At the end of each voting day which were held on November 7, 8 and 9, 1975, the scrutineer had to seal the box and affix his signature to the seals. An official delegate appointed by the board and representative for the entire territory of Québec was responsible for supervising the counting of the votes. The regulations provide that each association could delegate one of its members to be present at the opening of the ballot boxes and the counting of the votes.
468. Ballot papers which were not in compliance with these regulations and those on which more than one choice or no choice was made were rejected. Sixty days after the last day of the poll the board was to destroy the ballot papers.

C. Emergency Legislation

British Columbia

469. On October 7, 1975, the British Columbia legislature adopted the Collective Bargaining Continuation Act (Bill 146) to end a strike in which were involved employees of the forest, pulp and paper, railway, propane and butane distribution and food merchandising industries.
470. Commencing 48 hours after the coming into force of the Act every employer involved in a strike or lockout had to resume and reinstate his operations without restricting, limiting or slowing down these operations in contravention of the Act. No employer was to reduce, diminish or cease the production of any goods or the provision of any services where such reduction or diminution was likely to cause immediate and serious danger to life or health.
471. Lockouts were prohibited by the Act, and every employer had to call back to work each of his employees who had been on strike or laid off as a consequence of any strike which became invalid by reason of the coming into force of the Act. No employee was to be laid off because of strike action.
472. All employees had to resume the duties of their employment 48 hours after the coming into force of the Act in accordance with the terms and conditions of the last collective agreement in force between the parties. Strike action and picketing was prohibited by the Act. Any declaration, authorization or direction to go on strike given before the coming into force of the Act became invalid.
473. Bill 146 provides that the collective agreements between the employers and their respective employees in force on January 1, 1975, became in full effect, commencing 48 hours after the Act received Royal Assent until the day on which new agreements were concluded or until the date the Act was to expire (90 days after the coming into force).
474. The parties had to enter into negotiations with a view to renew or revise their collective agreements. Agreements concluded during the 90 day period that the Act was in full force contained provisions that the rate of wages payable at the commencement of the collective agreement were retroactive to the date the last collective agreement expired and if ordered by the Lieutenant-Governor-in-Council, the employer was to pay to each employee interest on the amount of any increase in wages in respect of the retroactive period.
475. The Act came into force on the day it received Royal Assent and was to expire 90-days later. However, Bill 146 provides that the Lieutenant-Governor-in-Council could by order extend the Act for a further period not exceeding 14 days.

Québec

476. On September 27, 1975, An Act to ensure users the resumption of the normal services of the Montreal Urban Community Transit Commission, received Royal Assent.
477. The Bill provides that every employee had to return to work and perform the duties of his position as of 00.01 hours on September 29, 1975.
478. The Commission had to resume its services and reinstate in their positions all employees on strike.
479. The legislation provided that the association and every union, federation or confederation to which such associations did belong had to take the appropriate steps to induce the members to return to work.
480. The latest collective agreement between the Commission and each of the associations was extended until renewed or replaced by a new collective agreement or until an arbitration award came into force.
481. The extended agreement was amended by Bill 57 to render applicable the written agreements made between the parties during negotiations, and also to include the latest wage offers made by the Commission. (These offers appear in schedule A of the Act.) The extended collective agreement as amended constituted a collective agreement in accordance with the Labour Code.
482. Any litigation respecting the application of the extended agreement was a grievance within the meaning of the Labour Code.
483. The Act provided for the appointment of a conciliation officer by the Minister of Labour and Manpower within four days after the coming into force of the Act. The conciliation officer was to endeavour to effect an agreement within 15 days of his appointment. Negotiations had to be carried on diligently and in good faith.
484. Following 15 days after his appointment, the conciliation officer had to report to the Minister. Where the conciliation officer had failed to bring the parties to an agreement, the Act provided for an extension of 15 days. Report of the state of negotiations was to be made at the expiration of the extended 15 days.
485. Where the conciliation officer was unsuccessful, the Act provided for the appointment of an arbitration officer by the Lieutenant-Governor-in-Council upon the joint recommendation of the parties to the dispute. Where the parties did not agree, the Lieutenant-Governor-in-Council was to appoint the arbitration officer ex-officio.
486. The Act provided for the appointment of two assessors to assist the arbitration officer in the performance of his duties.
487. Bill 57 contains provisions relating to offences and penalties. Any employee who did not return to work, as ordered by the Act was subject to a fine of \$50 to \$250 for each day or part of a day during which the offence was continued.

488. Any officer, director, employee, agent or advisor of the Commission who refused to comply with the Act was liable to a fine of \$5,000 to \$50,000 for each day or part of a day during which the offence continued.
489. The fines against associations, unions, federations or confederation in breach of the Act was \$5,000 to \$50,000 a day or part of a day.
490. Every officer, director, employee agent or advisor of an association, union, federation or confederation who encouraged a person not to return to work was liable to a fine of \$5,000 to \$50,000 for each day or part of a day during which the infringement continued.
491. Any party to the dispute who failed to comply with provisions of the Act relating to conciliation was liable to a fine of \$500 to \$1,000 for each day or part of a day in breach of the Act.
492. The Act provided that all these penalties be imposed upon summary proceedings.
493. The Act provided that upon the request of the Attorney-General, the chief investigation commissioner appointed under the Labour Code had to cancel the certification granted to any association if it was established that less than 70% of the employees with respect to whom such association was certified had complied with the order to return to work. The cancellation was to last 12 months and as long as any fine imposed was fully paid.

V. INDUSTRIAL SAFETY AND HEALTH

494. During the last six months, several provinces and the federal jurisdiction made changes in their occupational safety and health legislation.

General Safety

495. In Québec, the Industrial and Commercial Establishments Act was amended. The Act now includes a provision that authorizes inspectors and sanitary physicians to take for analysis and without charge, samples of materials or articles used by the workers, however, they must then inform the head of the establishment of their action.
496. An addition made to the Act stipulates that an inspector has the power to suspend work in an establishment where he considers that there is an immediate danger of accident; he must at the same time indicate to the head of the establishment the measures to be taken to eliminate the risk of accident. Work may be resumed only after the inspector has authorized it. The contestation before the courts of the decision of the investigator to stop the work does not suspend the execution of the order. Formerly, an inspector could order a work stoppage in accordance with a provision contained in the regulations issued under the Act which gives him the power to prohibit access to an area or to require the stoppage of machines, tools or other equipment when he judges that they involve an immediate hazard.
497. Most penalties provided under the Act have been increased and there are more severe fines for repeated offences. Provision is also made for tough penalties when the life and health of the personnel are directly endangered by the committing of an offence.
498. In prosecutions for contraventions of the Act or a regulation, proof of guilt of an agent, mandatary or employee of a physical or moral person suffices to establish proof of guilt of the person unless the latter establishes that the offence was committed without his knowledge, without his consent, or despite the steps taken to avoid it.
499. Where an offence is committed by a moral person, every director, officer, employee or agent of such corporation who ordered, authorized or consented to the committing of the offence is deemed to have participated in the offence and is liable to the same penalty as that provided for a corporation, whether or not the corporation has been prosecuted or found guilty.

Mining

500. British Columbia passed The Mines Regulation Amendment Act, 1975, and the Coal Mines Regulation Amendment Act, 1975. Both of these Acts came into force on June 26, 1975.
501. An amendment to the Coal Mines Regulation Act empowers an inspector to order the preparation of an independent engineering report with respect to any matter related to the safety of a mine or its equipment.

502. In both Acts the provisions dealing with the approval of a work system are now more detailed. In addition, requirements for the approval of underground support plans have been inserted into the Coal Mines Regulation Act.
503. There is a new requirement in both the mining and the coal mining legislation for the training of all underground workers in survival and rescue procedures.
504. New safety provisions designed to prevent ignitions caused by light metals have been added to the Coal Mines Regulation Act.
505. In Quebec, following the publication of a medical report on the health of asbestos workers, the limit of asbestos dust in mines has been set at an average of five fibres (longer than five microns) per cubic centimetres of air for an eight-hour period. This will be effective from January 1, 1978.
506. The Newfoundland Mines (Safety of Workmen) Regulations, 1957 have been amended. An addition to the regulations provides that every operator of mobile equipment used in or about a mine must be protected against falling, flying or intruding objects or materials by means of suitable cabs, screens, grills, deflectors or guards.
507. There is now a requirement that while operating or riding in or on mobile equipment equipped with seat belts or restraining harness, the operator and passengers must wear such belts or restraining harness.
508. After January 1, 1976, various types of mobile equipment as listed in the regulations or as designated by a written order of the chief inspector must be equipped with roll-over protective structures when they are used in or about a mine. Such structures must meet the criteria set forth in the regulations.

Petroleum and Natural Gas

509. Effective September 1, 1975, new Petroleum and Natural Gas Safety Regulations have been issued in Alberta. The former regulations have been revised and rewritten.
510. Additions have been made to the first aid requirements. In areas where access by conventional conveyance and transportation is not possible or the conditions of the road or terrain are detrimental to the welfare of the injured worker, an alternate means of conveyance and transportation of the injured employee must be arranged for by the employer. An adequate means of communication must also be provided and maintained between isolated places of employment and the base of operations for outside assistance.
511. Whenever possible, any seriously injured worker while being transported, must be accompanied by at least one person in addition to the operator of the means of transportation. The operator and the accompanying person must have valid first aid qualifications.

512. The new regulations provide for additional protective equipment in certain circumstances such as protective headwear, eye protection equipment, safety-toed boots and protective clothing. Changes have also been made in the safety requirements for the equipment used in connection with drilling operations.

Boilers and Pressure Vessels

513. Alberta has enacted the Boilers and Pressure Vessels Act, 1975, which replaces an Act which was last revised 20 years ago. The Act came into force on June 25, 1975, except for a section dealing with the supervision of heating plants.
514. The new Act provides a greater degree of flexibility in administering and inspecting the growing number of boilers and pressure vessels in Alberta. The terminology has been upgraded consistent with technological change and to provide for innovation and new types of equipment. The regulations issued under the Act have also been revised.
515. In British Columbia, the regulations governing mechanical refrigeration plants (Refrigeration Code) have been amended. A Refrigeration Code Board may now be appointed by the Minister of Public Works. The board has the duty to:
- (1) report to and advise the Chief Inspector on all matters in respect to the regulations pursuant to the Act, pertaining to the installation and use of refrigeration equipment;
 - (2) review evidence with respect to cancellation revocation or suspension of a contractor's licence;
 - (3) advise the Chief Inspector in respect to the re-instatement of a contractor's licence which had been cancelled, revoked or suspended;
 - (4) assist the Chief Inspector in respect to appeals pertaining to the installation and use of refrigeration equipment under the Act.
516. The federal has issued new regulations respecting the safe operation of boilers and pressure vessels used in federal works, undertakings and businesses. In the main, the requirements contained in the former regulations have been rewritten.

Environmental Contaminants

517. The federal jurisdiction passed Bill C-25: An Act to protect human health and the environment from substances that contaminates the environment. The Act was assented to December 2, 1975, and awaits proclamation.

518. The Act applies to Canada as a whole and is administered by the Minister of the Environment who, in most cases, will act in collaboration with the Minister of National Health and Welfare.
519. The Act provides for the gathering and the disclosure of information on hazardous and potentially hazardous chemicals in order to assess the danger that they may represent.
520. Authority is given to the Governor-in-Council to control chemical substances by regulating manufacturing, processing or commercial activities (including importation) where a threat to human health or the environment is apprehended. The substances affected by the legislation will be listed in a schedule.
521. Provision is made for consultation with any provinces and any departments or agencies of the Government of Canada as may be appropriate, in order to determine whether the perceived danger would be eliminated by any action taken or proposed to be taken under any other law.
522. When, after consultation or after an offer to consult has not been accepted within 30 days, the Minister of the Environment and the Minister of National Health and Welfare are satisfied that the danger would not be eliminated by such an action, they will recommend to the Governor-in-Council that the substance or class of substances be added, if necessary, to the schedule of dangerous substances and that regulations be made to control it.
523. Within 60 days of the publication in the Canada Gazette of a copy of any proposed order to add a substance to the schedule or of any proposed regulations, any person having an interest in the matter, may file a notice of objection with the Minister of the Environment.
524. An Environment Contaminants Board of Review is established to inquire into the nature and extent of the danger posed by the substance or class of substances concerned. The person filing the notice of objection and any other interested or knowledgeable person must have a reasonable opportunity of appearing before the board presenting evidence and making representations to it.
525. As soon as possible after the conclusion of an inquiry, the board must submit a report to the Minister of the Environment and the Minister of National Health and Welfare together with its recommendations and all evidence that was presented. The Governor-in-Council may only add a substance or class of substances to the schedule after the board's report has been received.
526. A clause in the Act empowers the Governor-in-Council to make an order and/or regulations related to a dangerous substance or class of substances in a case of emergency. He may do so notwithstanding that no consultations have taken place with provinces and federal departments or agencies and that no copy of any proposed order and/or regulations have been published in the Canada Gazette. However, a notice of objection may be filed with the Minister of Environment in respect of an order and/or regulations in the same way as mentioned previously for a proposed order and/or regulations.

527. Offences and enforcement procedures are specified in the Act including inspection powers.

Building Code

528. In Ontario, comprehensive regulations have been issued under The Building Code Act, 1974. They will become effective when The Building Code Act, 1974, is proclaimed in force.

VI. WORKERS' COMPENSATION

529. Four provinces have made changes in their workers' compensation legislation during the last six months. Québec passed a new Act which provides indemnities for victims of asbestosis and silicosis in mines and quarries and amendments were also made to the legislation of Alberta, British Columbia and Ontario.

Coverage

530. In Ontario, the coverage under the Workmen's Compensation Act has been extended to auxiliary members of police forces and to persons who assist in search and rescue operations at the request of, and under the direction of a member of the Ontario Provincial Police.
531. An amendment to the Alberta legislation gives the Workers' Compensation Board the power to extend the application of the Workers' Compensation Act to temporary employment in times of disaster or emergency whether or not remuneration is paid for such employment. It also permits the application of the Act to volunteer employments. Besides, air ambulance services have been added to the list of industries exempted from compulsory coverage.
532. Assented to June 26, 1975, the British Columbia Workers' Compensation Amendment Act, 1975, authorizes the Lieutenant-Governor-in-Council to make regulations extending workers' benefits to commercial fishermen. Regulations extending the compulsory coverage were approved on November 20, 1975, and came into force on January 1, 1976.

Earnings Ceiling

533. In Alberta, the earnings ceiling was increased from \$10,000 to \$13,000 a year for a disability occurring on or after April 1, 1975.
534. Effective July 1, 1975, Ontario raised the maximum earnings insurable from \$12,000 to \$15,000 per annum.
535. In British Columbia, the maximum wage rate has been set at \$13,600 for the year 1976.

Benefits to Dependants

536. Alberta, British Columbia and Ontario have amended their legislation to provide higher benefits for the dependants of deceased workers.
537. In the case of a death that occurred before January 1, 1974, a dependant widow or widower in Alberta, now receives a pension of \$290 per month and a monthly allowance of \$80 per month for each dependent child.
538. If the death occurred on or after January 1, 1974, but prior to April 1, 1975, the dependant spouse receives the same pension the deceased worker would have received had the accident resulted in permanent total disability (75% of actual earnings up to maximum earnings of \$10,000). These pensions have been increased by a factor of 11% with a minimum of \$365 monthly.

539. If the fatal accident or disease occurred on or after April 1, 1975, the pension of the dependent spouse is based on the deceased worker's earnings with a maximum payable of \$812.50 monthly (75% of \$13,000) and a minimum of \$365 monthly.
540. Effective April 1, 1975, foster-parents caring for an entire family of children receive \$290 per month plus \$80 per month for each dependent child. When arrangements for more than one foster parent are necessary, each receive \$80 per month for each dependent child as well as a share of the \$290 monthly payment, in proportion to the number of children cared for.
541. Upon remarriage on or after April 1, 1975, a dependent widow or widower is granted a lump sum of \$3,480 and the pension is discontinued except for payments in respect of a dependent child.
542. In British Columbia, an amendment to the Workers' Compensation Act brought increases to dependants' pensions in cases where a worker's death occurred before July 1, 1974 and where no provision had been made prior to that date for increases according to the Consumer Price Index. The periodical payments were adjusted as of August 1, 1975 at a rate equivalent to the increases (according to the Consumer Price Index) that were applicable between January 1, 1966 and July 1, 1974.
543. Dependants' pensions, in Ontario, have been escalated by 10%, effective July 1, 1975. A dependent widow or widower now receives \$286 per month; a dependent child's pension is \$77 per month or \$88 per month if he/she is an orphan.
544. The burial allowance has been raised from \$500 to \$600 and the initial lump sum payable to a widow for incidental expenses was also increased from \$500 to \$600.

Disability Benefits

545. The legislation governing compensation for disability was amended in four provinces.
546. Quèbec passed Bill 52 which was assented to June 27, 1975. The Bill establishes a special scheme to indemnify victims of asbestosis and silicosis in the mining and quarrying industries. This scheme is administered by the Workmen's Compensation Commission.
547. A worker suffering from permanent disability resulting from silicosis or asbestosis medically established by a positive diagnosis is entitled to a fixed indemnity ranging upward to \$30,000 depending on the age and the degree of disability. However, if the permanent disability was established before June 27, 1975, the worker who ceases to be employed by reason of such disability is not entitled to the fixed indemnity.

548. In addition, a worker who ceases to be employed by reason of a permanent disability is entitled to a complementary indemnity equivalent to 90% of his disposable net income. However, the gross annual income of the worker cannot exceed the Maximum Pensionable Earnings in the province of Québec.
549. In the case of an aggravation, subsequent to June 27, 1975, of a permanent disability caused by asbestosis or silicosis for which a pension has already been granted, the worker is entitled to the fixed indemnity for such aggravation and where it applies, to the complementary indemnity.
550. Provision is made in the Act for the reduction of the complementary indemnity when the worker obtains new employment.
551. The right to the complementary indemnity may be refused, discontinued or suspended when, without valid reason, a worker act as follows:
- (1) refuses a new employment which is offered to him by the Commission;
 - (2) leaves such an employment although he could continue to hold it;
 - (3) refuses or neglects to avail himself of the training, rehabilitation or treatment measures made available to him;
 - (4) refuses or neglects to avail himself of the benefits he is entitled to by virtue of any agreement or any other act; or
 - (5) refuses or neglects to furnish the information required for the application of the Act.
552. Every sum paid to the worker under a collective agreement or under another act of Québec or Canada by reason of the cessation of the employment, must be deducted from the complementary indemnity. Must also be deducted, all pensions for permanent disability, whatever the cause, granted before June 27, 1975, and those not caused by asbestosis or silicosis granted after that date.
553. The indemnities provided for in the Act are upgraded each year in relation with the increase in the cost of living.
554. Any decision of a medical nature or a decision related to the right to receive the complementary indemnity may, within 90 days of the notifying of the decision, be appealed to a council of arbitration.
555. In Ontario, the minimum compensation for permanent total disability was raised to \$400 per month from \$260 per month with proportionate increases in the minimum for permanent partial disability. The minimum for temporary total disability was raised from \$55 per week to \$90 per week (or earnings if less); for temporary partial disability, the minimum is a proportionate amount in accordance with the impairment of earning capacity.

556. Effective July 1, 1975, disability pensions awarded prior to 1975 have been escalated by a factor of 10% in respect of the year 1974.
557. A specific provision has also been made in the Workmen's Compensation Act, for supplementary permanent disability awards for those workers whose actual impairment of earning capacity is significantly greater than that recognized by the schedule of percentages of impairment of earning capacity.
558. Alberta has increased the minimum pension for permanent total disability from \$275 to \$365 per month. For permanent partial disability a proportionate pension is paid.
559. In British Columbia, a new clause in the Workers' Compensation Act authorizes the board to review compensation benefits for a worker in some cases where, after 10 years, he still suffers from a compensable disability and a permanent disability award was previously made. The award must have been based on a disability of at least 12% of total, or the case must be of a kind where a projected loss of earnings method is used in calculating compensation.
560. The board will, upon application by a worker under this provision of the Act, review compensation benefits to determine whether they are adequate. Compensation equal to 75% of the projected loss of earnings or loss of retirement income resulting from the disability is to be considered adequate. The board has issued regulations prescribing the cases to which the provision applies.

Compensable diseases

561. The British Columbia Workers' Compensation Board has added two diseases to the list of compensable industrial diseases included in the Workers' Compensation Act.
562. A worker employed in any industry or process where there is exposure to airborne asbestos fibres and who suffers from carcinoma of the lung (when associated with asbestosis) or from mesothelioma (pleural or peritoneal) is entitled to Compensation unless it is proved that the disease was not due to the nature of the employment.
563. Also in British Columbia, the board has recognized bronchitis and emphysema as diseases sometimes due to the nature of an employment. The consequence of this for claims purposes is that a disablement resulting from the disease is compensable but only if it appears from evidence that the disease was contracted during employment.

Penalties

564. New provisions have been made, in Ontario, for penalties on employers who fail to report accidents or claims promptly. The penalties have been set by regulation.

565. British Columbia has amended the provision of its Workers' Compensation Act dealing with additional levies upon an employer where there has been an "accident causing injury" and, in the opinion of the board, the employer has been grossly negligent or has failed to adopt reasonable means for the prevention of injuries or has not complied with the orders or directions of the board or the regulations made under the Act. The amendments widen the application of the provision to cases where "injury, death, or disablement from industrial disease" occurs.

Index of Bills - July 1, 1975 - December 31, 1975

Legislature	Bill No.	Title	Disposition
Federal	<u>Government Bills</u>		
	C-25	An Act to protect human health and the environment from substances that contaminate the environment	Royal Assent 02/12/75
	C-47	An Act to amend the Judges Act and certain other Acts for related purposes and in respect of the reconstitution of the Supreme Courts of Newfoundland and Prince Edward Island	Royal Assent 19/06/75
	C-61	An Act to provide a maritime code for Canada to amend the Canada Shipping Act and other Acts in consequence thereof and to enact other consequential or related provisions	2nd reading 26/11/75
	C-70	An Act to amend the Public Service Staff Relations Act	Royal Assent 30/07/75
	C-72	Canadian Human Rights Act	1st reading 21/07/75
	C-73	Anti-inflation Act	Royal Assent 15/12/75
	<u>Private Member's Bills</u>		
	C-386	An Act to amend the Canada Labour Code	1st reading 26/03/75
	C-399	An Act to amend the Public Service Staff Relations Act, and the Canada Labour Code to provide for the establishment of sector bargaining	1st reading 04/07/75
	C-416	An Act to amend the Public Service Staff Relations Act and the Canada Labour Code and to provide for the suspension of strikes in essential services	1st reading 17/11/75

Index of Bills - July 1, 1975 - December 31, 1975

Legislature	Bill No.	Title	Disposition
Alberta		<u>Government Bills</u>	
	20	The Worker's Compensation Amendment Act, 1975	Royal Assent 25/06/75
	43	The School Amendment Act, 1975	2nd reading 17/11/75
	71	The Alberta Labour Amendment Act	Passed 04/12/75
		<u>Private Member's Bills</u>	
	31	The Boilers and Pressure Vessels Act, 1975	Royal Assent 25/06/75
British Columbia		<u>Government Bills</u>	
	83	Public Schools Amendment Act, 1975	Royal Assent 26/06/75
	94	Coal Mines Regulation Amendment Act	Royal Assent 26/06/75
	105	Workers' Compensation Amendment Act, 1975	Royal Assent 26/06/75
	125	Mines Regulation Amendment Act, 1975	Royal Assent 26/06/75
	135	Public Service Labour Relations Amendment Act, 1975	Royal Assent 26/06/75
	146	Collective Bargaining Continuation Act	Royal Assent 07/10/75
		<u>Private Member's Bill</u>	
	66	British Columbia Noise Control Act	1st reading 23/03/75

Index of Bills - July 1, 1975 - December 31, 1975

Legislature	Bill No.	Title	Disposition
Manitoba		<u>Government Bills</u>	
	28	An Act to amend the Employment Standards Act	Royal Assent 18/06/75
	58	An Act to amend the Public Schools Act	2nd reading 06/06/75
New Brunswick		<u>Government Bills</u>	
	14	An Act to amend the Schools Act	3rd reading 11/06/75
	29	An Act to amend the Health Act	Royal Assent 13/06/75
	86	An Act to amend the Industrial Relations Act	Proclaimed 16/07/75
	89	Police Act	2nd reading 13/06/75
	96	An Act to amend the Workmen's Compensation Act	2nd reading 26/11/75
	97	An Act to amend the Fire Prevention Act	2nd reading 02/12/75
	103	An Act to amend the Stationary Engineers Act	1st reading 09/12/75
Newfoundland		<u>Government Bills</u>	
	11	An Act to further amend the Minimum Wage Act	2nd reading N.A.
	44	An Act further to amend the Workmen's Compensation Act	N.A.
	66	An Act to amend the Regulation of Mines Act	N.A.
	72	An Act to amend the Newfoundland Engineering Profession Act	N.A.
	80	An Act to amend the Newfoundland Teacher (Collective Bargaining) Act, 1973	N.A.

Index of Bills - July 1, 1975 - December 31, 1975

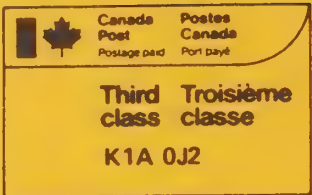
Legislature	Bill No.	Title	Disposition
Nova Scotia		<u>Government Bills</u>	
	117	An Act to amend the Education Act	3rd reading 24/03/75
	159	An Act to amend Chapter 255 of the Revised Statutes 1967, the Public Service Act	3rd reading 13/12/75
	195	An Act to amend Chapter 6 of the Acts of 1973, the Environmental Protection Act	1st reading 02/12/75
	199	An Act to amend Chapter 65 of the Acts of 1968, the Workmen's Compensation Act	1st reading 03/12/75
		<u>Private Member's Bills</u>	
	103	An Act to amend the Civil Service Act	1st reading 07/03/75
	163	An Act to amend Chapter 65 of the Acts of 1968, the Workmen's Compensation Act	1st reading 24/11/75
	190	An Act to amend Chapter 16 of the Acts of 1970, the Social Assistance Act	1st reading 01/12/75
Ontario		<u>Government Bills</u>	
	86	The Ombudsman Act, 1975	Royal Assent 03/07/75
	100	An Act respecting the Negotiations of Collective Agreements between School Boards and Teachers	Royal Assent 18/07/75
	106	An Act to amend the Workmen's Compensation Act	Royal Assent 03/07/75
	108	An Act respecting Collective Bargaining for Colleges of Applied Arts and Technology	Royal Assent 18/07/75
	109	An Act to amend the Ministry of Colleges and Universities Act, 1971	Royal Assent 18/07/75

Index of Bills - July 1, 1975 - December 31, 1975

Legislature	Bill No.	Title	Disposition
Ontario (continued)	<u>Government Bills</u>		
	111	The Labour Relations Admendment Act, 1975	Royal Assent 18/07/75
	118	An Act to amend the Education Act, 1974	Royal Assent 18/07/75
	132	An Act respecting the Negotiations of Collective Agreements between the Provincial Schools Authority and Teachers	Royal Assent 18/07/75
	<u>Private Member's Bills</u>		
	61	An Act for the Promotion and Protection of the Health and Safety of persons engaged in Occupations	1st reading 22/04/75
	121	An Act to amend the Labour Relations Act	1st reading 23/06/75
	122	An Act to amend the Labour Relations Act	1st reading 23/06/75
	126	An Act to provide for the Protection of Wages in Bankruptcy or Receivership	1st reading 24/06/75
	<u>Government Bills</u>		
Prince Edward Island	68	Provincial Building Code Act	1st reading 27/05/75
Québec	<u>Government Bills</u>		
	20	Construction Industry Complementary Social Benefits Plans Act	Royal Assent 20/11/75
	27	An Act to amend the Industrial and Commercial Establishments Act	Royal Assent 27/06/75
	33	Building Contractors Vocational Qualification Act	Royal Assent 27/06/75

Index of Bills - July 1, 1975 - December 31, 1975

Legislature	Bill No.	Title	Disposition
Québec (continued)	<u>Government Bills</u>		
	47	An Act to establish the Office de la Construction du Québec and to again amend the Construction Industry Labour Relations Act	Royal Assent 27/06/75
	50	Charter of Human Rights and Freedoms	Royal Assent 27/06/75
	52	An Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries	Royal Assent 27/06/75
	57	An Act to ensure users the resumption of the normal services of the Montreal Urban Community Transit Commission	Royal Assent 27/09/75
	65	An Act to amend the Workmen's Compensation Act	1st reading 12/12/75
	88	An Act to amend the Public Health Protection Act	Royal Assent 27/06/75
	92	An Act to repeal the Act to incorporate "La Corporation générale des instituteurs et institutrices catholiques de la province de Québec	Royal Assent 27/06/75
	253	An Act to ensure the provision of essential Health Services and Social Services in the event of a labour dispute	Royal Assent 19/12/75
	<u>Private Member's Bill</u>		
	96	An Act to amend the Labour Code	1st reading 12/12/75
Saskatchewan	<u>Government Bills</u>		
	5	An Act to amend the Fire Prevention Act	1st reading 24/11/75



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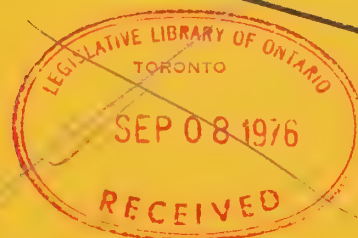
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LEGISLATIVE REVIEW

NUMBER 7
MAY 31, 1976



**Labour
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la législation

LEGISLATIVE REVIEW



NUMBER 7
MAY 31, 1976

CANADA DEPARTMENT OF LABOUR
LEGISLATIVE RESEARCH BRANCH

Hon. John Munro, Minister
T.M. Eberlee, Deputy Minister

Foreword

The Legislative Review is a series of reports covering pertinent labour legislation enacted by the federal, provincial and territorial jurisdictions. Issue No. 7 covers the period from January 1, 1976 to May 31, 1976. This publication sets out the provisions enacted in the areas of apprenticeship and tradesmen's qualifications, employment standards, human rights, industrial relations, industrial safety and health, and workers' compensation.

The purpose of the publication is to inform the public in general of amendments to existing legislation and any new legislation and regulations that may affect its working life.

The present issue is co-authored by Michel Gauvin, Bill Langford, Nicole Marchand, Cal McKerral and Allan Nodwell.

J.P. Whitridge,
Acting Director,
Library and Information Services.

DEVELOPMENTS IN THE ENACTMENT AND
ADMINISTRATION OF LABOUR LAWS
IN CANADA

January 1, 1976 - May 31, 1976*

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will be included in the next issue.

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I. APPRENTICESHIP AND TRADESMEN'S QUALIFICATIONS

1. Alberta, Manitoba, New Brunswick, Ontario and Québec produced regulations governing various trades and in addition Alberta's new Bill 52 - The Manpower Development Act awaits Proclamation.

Alberta

2. The Manpower Development Act repeals the Apprenticeship, Tradesmen's Qualification and Welding Acts.
3. Briefly, the intent of the bill is to consolidate a comprehensive range of programs and services relating to manpower, including immigration, counselling, advisory and information services, placement and mobility, training and retraining, apprenticeship, qualification and certification.
4. Four trades have revised apprenticeship rules: Glassworker, Insulator, Machinist, Painter and Decorator.

Manitoba

5. Rules were set out governing the Sprinkler and Fire Protection installers and Drywall Mechanics.

New Brunswick

6. New examination pass marks were established for Barbers, the Industrial Electrical Trade, and the Welding trade.

Ontario

7. The regulation certifies and sets out rules governing the trade of Lather.

Québec

8. A special regulation governing Vocational Training and Qualification of Manpower in the Construction Industry sets rates, periods and fees for apprenticeship and defines and controls all relevant construction trades in groups.

II. EMPLOYMENT STANDARDS

9. In Nova Scotia, Bill 74, assented to on May 20, 1976, brought many changes to the Labour Standards Code.
10. Employers are now required to produce business records upon the request of the Minister or the Director.
11. An employer or an employee may appeal an order or decision of the Tribunal to the Appeal Division of the Supreme Court. Other persons, such as competing creditors of the employers, may challenge the order or decision under proposed Section 86(4) by way of Interpleader and the rules of Court.
12. The Director now has powers for effecting a settlement. The Director's order will be final and binding subject to the right of the parties to appeal to the full Tribunal and from there to the Supreme Court.
13. Holiday pay is clarified and an employer must pay an employee for a holiday if he terminates the employment before a substitute holiday is given.
14. Equal pay for women is required for "substantially the same work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility".
15. An employee now has the option of taking her pregnancy leave or a greater portion of it after the actual delivery. An employer now must also grant leave to a female employee of up to four weeks if she adopts a child of five years or younger.
16. An employer must give eight weeks' notice in writing to a person who is being discharged or laid off if his period of employment is ten years or more.
17. A new procedure for protection of an employee's pay is set out. It will permit an employee to make a complaint directly to the Director and set into motion the existing procedure.
18. The Director shall have standing to bring action in any court of competent jurisdiction or otherwise to pursue any claim to recover unpaid pay on behalf of the Tribunal, any employee or group of employees.

Hours of Work

19. In the Yukon, the "standard hours of work" have now been set at eight hours in a day and 40 hours in a week and no employer shall cause or permit an employee to work in excess of the standard hours. Exclusions include employees who are members of the employer's family, employees in mineral exploration, travelling salesmen, supervisory and managerial employees, and professionals.

20. Standard hours of work in a week shall be so scheduled and actually worked that each employee has at least two full days of rest in the week and wherever practicable, Sunday shall be one of the normal days of rest.

Minimum Wages

21. In Manitoba, effective May 1, 1976, the salaries in the Heavy Construction Industry will vary between \$2.90 for flaggers and \$5.95 for hoisting crane operators.
22. Ontario set a new student rate of \$2.15 effective March 15, 1976. Likewise, a "tip differential" of \$2.50 for those employees working in an establishment licensed under the Liquor Licence Act.
23. Prince Edward Island will raise its minimum wage to \$2.50 on July 1, 1976 and to \$2.20 for employees under 18. An employer may change the following maximums when taking into account meals, room or both in calculating the minimum rate:
- board and lodging \$20.00 per week
 - board only, \$14.00 per week
 - lodging only, \$ 6.00 per week
 - single meals, \$ 1.00 per meal.
24. On July, 1, 1976, Québec's minimum rate will rise to \$2.87 per hour and \$2.67 for employees under 18.
25. General Hourly Minimum Wage Rates for Adult and Young Workers (as of June 1, 1976):

1. Federal

Effective July 23, 1975

Employees 17 and over	- \$2.60
Employees under 17	- \$2.35

Effective April 1, 1976

Employees 17 and over	- \$2.90
Employees under 17	- \$2.65

2. Alberta

Effective July 1, 1975

Employees 18 and over	- \$2.50
Employees under 18	- \$2.35
Students under 18 employed on a part-time basis	- \$2.00

Alberta (continued)

Effective March 1, 1976

Employees 18 and over	- \$2.75
Employees under 18	- \$2.60
Students under 18 employed on a part-time basis	- \$2.25

3. British Columbia

Effective December 1, 1975

Employees 18 and over	- \$2.75
Employees 17 and under	- \$2.35

Effective June 1, 1976

Employees 18 and over	- \$3.00
Employees 17 and under	- \$2.60

4. Manitoba

Effective October 1, 1975

Employees 18 and over	- \$2.60
Employees under 18	- \$2.35

5. New Brunswick

Effective July 1, 1975

General rates	- \$2.30
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Effective June 1, 1976

General rates	- \$2.55
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Effective November 1, 1976

General rates	- \$2.80
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6. Newfoundland

Effective January 1, 1976

Employees over 16	- \$2.50
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7. Nova Scotia

Effective January 1, 1976

Employees 18 and over	- \$2.50
Underage employees 14-18	- \$2.25
Inexperienced employees	- \$2.25

8. Ontario

Effective May 1, 1975

General rates	- \$2.40
Learners (1st month of employment)	- \$2.30
Students under 18, employed less than 28 hours per week	- \$2.00

Effective March 15, 1976

General rates	- \$2.65
Learners (1st month of employment)	- \$2.55
Students under 18, employed less than 28 hours per week	- \$2.15

9. Prince Edward Island

Effective October 1, 1975

Employees 18 and over	- \$2.30
Employees under 18	- \$2.00

Effective July 1, 1976

Employees 18 and over	- \$2.50
Employees under 18	- \$2.20

10. Québec

Effective December 1, 1975

Employees 18 and over	- \$2.80
Employees under 18	- \$2.60

Effective July 1, 1976

Employees 18 and over	- \$2.87
Employees under 18	- \$2.67

11. Saskatchewan

Effective January 1, 1976

General rates - \$2.80

12. Northwest Territories

Effective April 1, 1974

Employees 17 and over - \$2.50

Employees 16 - \$2.00

Employees 15 - \$1.75

Employees under 15 - \$1.50

13. Yukon Territory

Effective July 23, 1975

General rates - \$2.70

Effective April 1, 1976

General rates - \$3.00

26. Termination of Employment

In Alberta, the Board of Industrial Relations Order No. 61 (1975) Governing Notice of Termination of Employment lays down the terms under which the notice of termination of employment shall be issued. This order, effective May 1, 1976, deals with individuals and not groups.

27. An employer shall give to his employee written notice of termination of employment of at least seven days if the employee's period of employment is greater than three months but less than two years, or 14 days if greater than two years.

28. An employer, in lieu of notice shall pay the employee a sum of money equal to the employee's regular wages. Where wages vary in periods, the average of the regular wage earned during the three-month period prior to the termination date shall be used.

29. In Newfoundland, the Termination of Employment Act, 1973 was proclaimed effective on May 5, 1976.

30. The notice of termination of employment shall not be less than:

- eight weeks' notice if the employment of 50 or more and less than 200 persons is to be terminated;

- 12 weeks' notice if the employment of 200 or more and less than 500 persons is to be terminated;

- 16 weeks' notice if the employment of 500 or more persons is to be terminated.

III. HUMAN RIGHTS

31. A major development during 1975 was Prince Edward Island's new Human Rights Act. The grounds upon which discrimination is prohibited are extended. Now, the term "discrimination" throughout the Act means discrimination in relation to the race, religion, creed, colour, sex, marital status, ethnic or national origin, or political belief of any individual or class of individuals.
32. Previously, anti-discrimination provisions existed on grounds of race, religion, religious creed, and ethnic or national origin. Sex discrimination prohibitions existed only in the area of equal pay.
33. Another important expansion in the anti-discrimination provisions is the addition of age (18-65 years) and physical handicap as prohibited grounds for discrimination in employment and employment related areas (equal pay, union membership, trade or professional association membership and agencies) (including ones using volunteers) which carry out a public function.
34. The Act provides for the establishment of a three-member human rights commission. The commission is responsible for the administration and enforcement of the Act, and for the development of a program of public information and education in the field of human rights. The commission may also approve programs of government, private organizations or persons designed to promote the welfare of any class of individuals. Such approved programs shall be deemed not to be a violation of the Act.
35. In Ontario, Bill 13 an Act to provide for Certain Rights for Blind Persons was given Royal Assent on April 14, 1976. The Act prohibits the barring of trained guide dogs accompanying a blind person in any public accommodation, facility or service, or in the occupancy of any self-contained dwelling unit. There is no entitlement to further service by virtue of being a blind person accompanied by a guide dog.
36. Identification cards, which are prima facie proof, may be issued to the blind person and guide dog. Cards shall be surrendered, upon request of the Attorney General or designated officer, for amendment or cancellation.
37. A person discriminating against a blind person and his guide dog is guilty of an offence and on summary conviction liable to a fine not exceeding \$1,000. A person posing as a blind person is guilty of an offence and on summary conviction liable to a fine not exceeding \$100.

IV. INDUSTRIAL RELATIONS

A. General

38. In Manitoba, a bill proposes the implementation of extensive changes to the Labour Relations Act.

Following are major changes:

Professional Employee

39. The definition of "professional employee" is expanded to require the employee, in the course of his employment, to have and apply specialized knowledge of a kind ordinarily acquired through graduation from a university or similar institution.

Unfair Labour Practices

40. The whole of Part I - Unfair Labour Practices and Infringement of Rights - is amended and clarified to emphasize unfair practices.
41. Primarily these changes replace the previous reference to infractions of the Act as being "guilty of an offence" by "commits an unfair labour practice", and reference to "judge or magistrate" is replaced by "the board".

Interference with Union

42. An authorized agent of the employer or a supervisor of employees of the employer, who would not reasonably be expected to become a union member when a union is seeking to be certified as the bargaining agent, or is attempting to enlist members, is deemed to be interfering with the information or selection of a union and thus committing an unfair labour practice if he indicates to an employee who would be reasonably expected to be within the unit or to be requested to join the union that:

- he objects to unions or to the union; or
- he prefers one union over another; or
- the attitude or policies of the employer will change in any way if the union is certified or a collective agreement is entered into.

Provision Requiring Discharge of Employees

43. The Act makes void any collective agreement provision requiring an employer to discharge an employee because the employee is, or continues to be a member of, or engages in activities on behalf of a specified union; the amendment invalidates the discharge provision where it applied to a union other than a specified union.

Duties of Investigator

44. Unfair labour practice is added to contraventions that the investigator is authorized to inquire into and that he may, for and on behalf of any person affected, initiate any proceeding before the board that is authorized by law.

Application for Remedy

45. A new section lays down proceedings. An application in writing for a remedy alleging that the person against whom the remedy is sought has committed an unfair labour practice may be filed with the board not later than 6 (six) months after the unfair labour practice is alleged to have occurred or last occurred. (The previous application for discrimination remedy limitation was 90 days.)

Time and Place of Hearing

46. Upon an application being filed the board fixes a time and place for commencing a hearing and notifies the parties.

Evidence, etc., at Hearing

47. At a hearing of an application the parties may submit evidence and argument.

Powers of Board Respecting Evidence

48. At the hearing the board may direct witnesses to be called for examination before the board and documents to be presented and filed for examination by the board, and the board may direct questions to any witness before the board for the purposes of the application.

Findings of Board

49. After hearing all evidence and argument before the board relative to the application, the board makes a finding as to whether or not, in its opinion, a party to the application has committed an unfair labour practice and, where it finds that a party has committed an unfair labour practice, also makes a finding as to whether or not any person has suffered loss or diminution of income by reason of the unfair labour practice and the amount of such loss or diminution.

Remedies for Unfair Labour Practices

50. The previous remedies laid down for discrimination are reworded to apply to unfair labour practices, with provision for board orders and payment for interference with rights added.

51. Where the board finds that a party to an application for remedy has committed an unfair labour practice, it may:

- where the party is an employer, order the party to reinstate in employment any employee whose employment has been terminated by reason of the unfair labour practice; or
- where the party is a union, order the party to reinstate as a member of the union any person whose membership in the union has been terminated by reason of the unfair labour practice; or
- order the party to pay any person who has suffered loss or diminution of income by reason of the unfair labour practice, the amount of loss or diminution of the income suffered by the person; or
- where the unfair labour practice constituted an interference with the rights of a person under the Act, but the person has not suffered any loss or diminution of income or termination of employment or membership in a union order the party to pay the person an amount not exceeding \$500 in respect of the interference with his rights; or
- order the party to cease and desist any activity or operation which constitutes the unfair labour practice; or
- do one or more of the things set out above as to the board seems reasonable and appropriate.

Unfair Labour Practice

52. A person who commits an unfair labour practice is not solely by reason thereof guilty of an offence.

Freedom of Speech

53. Nothing in the Act deprives any person of his freedom to express his views if he does not use intimidation, coercion, threats or undue influence, or interfere with the formation or selection of a union.

Certification and Bargaining Rights

Right to Apply for Certification

54. At least 50% union members in good standing is now required for an application, replacing the previous 35%.

Application Where Bargaining Agent Previously Certified

Restrictions on Applications for Certification

55. The new provisions change the terms for applications.

Where a collective agreement in respect of the employees in a unit is in force, no application for certification as bargaining agent for employees in the unit shall be made by another union:

- during the first six months after the date on which the collective agreement became effective; or
- during the last three months of the term of the collective agreement; or
- where the collective agreement is for a term of less than 18 months, except during the three months immediately preceding the last three months of the term of the collective agreement; or
- where the collective agreement is for a term of more than 18 months, except during the three months immediately preceding any anniversary of the date on which the collective agreement became effective or during the three months immediately preceding the last three months of the term of the collective agreement; or
- where the collective agreement is for a term of one year; and
- provides that it will continue to be effective for a further term of one year, or for successive terms of one year each, unless one of the parties thereto gives to each of the other parties notice of termination, or notice of a desire to bargain collectively with a view to renewal or revision, or to the making of a new collective agreement except during the three months preceding any date on which the collective agreement may be terminated.

Application after Termination of Agreement

56. Where a collective agreement has terminated and the parties thereto have either, after the termination of the agreement or within three months before the termination of the agreement, bargained collectively with one another with a view to the renewal or revision of a collective agreement, or the conclusion of a new collective agreement, no application for certification of a bargaining agent for employees in a unit affected by the collective agreement shall be made until after 90 days after the termination of the agreement except:

- by the bargaining agent which was a party to the collective agreement; or
- with the consent of that bargaining agent.

Joint Applications

57. Two or more unions joining in application for certification must have 50% members in good standing rather than 35% required previously.

Professional Employees in Bargaining Units

58. As before, the board does not include professional employees in a unit with employees who are not professional employees unless it is satisfied that a majority of the professional employees wish to be included in the unit. The amendment stipulates that such professionals must be practicing the profession.

Votes Respecting Certification

59. In line with the requirement of 50% members in good standing for application for certification, if the board is uncertain as to whether, at the date of filing of the application, the requirement has been met, it may order a vote to be taken to determine the wishes of the employees in the unit as to the selection of a bargaining agent for them.

Board's Decision when there is Employer Influence

60. A new section is added, covering:

Matters to be Considered

For the purpose of determining whether the administration, management or policy of a union is:

- influenced by an employer to the extent that its fitness to act as bargaining agent for employees in collective bargaining is or may be impaired; or
- is dominated by an employer;

without limiting the authority of the board or an examiner to consider other matters, the board or an examiner, as the case may be, may consider the extent and circumstances under which:

- the employer permitted an employee who was a representative of the union to confer with him during working hours or to attend to the business of the union during working hours without the deduction of time so occupied in computation of time worked for the employer and without deducting of wages in respect of the time so occupied;
- the employer provided free transportation to representatives of the union for the purposes of collective bargaining;

- the employer permitted the union to use his premises for the purposes of the union; or
- the employer consented to representatives and of the union, at the employer's place of employment during the working hours of his employee, to persuade the employee to become or to continue to be a member of the union.

Continuation of Certification in Mergers, etc.

61. As before, subject to certain rulings of the board, where the businesses of two or more employers are amalgamated or merged, the certifications and bargaining rights of the bargaining agent, if any, remain in force until duly cancelled or terminated. This provision extended to purchase of a business. The amendment further extends the condition where the business, or part of the business, of an employer is sold, leased, transferred or otherwise disposed of to another person.

A further addition provides for:

Continuation of Certification and Mergers of Bargaining Agents

62. Where two or more bargaining agents are amalgamated or merged, any certifications of those bargaining agents remain in force under the new name or designation of the amalgamated or merged bargaining agent until duly cancelled or terminated.

Merger of Bargaining Units on Merger of Bargaining Agents

63. Where two or more bargaining agents are merged, and the separate units of employees represented by those bargaining agents are, in the opinion of the board, a single unit appropriate for collective bargaining, the board may order that the units be merged and be thereafter one unit for collective bargaining, at such times and under such terms as will, in the opinion of the board, best serve the interests of the employees and their employers. The board may certify the amalgamated or merged bargaining agent for the merged unit.

Limitation on Application to Cancel

64. As before, where no collective agreement is in force, no application may be made to cancel certification of the bargaining agent unless nine months have elapsed since the date of certification. The subsections relating to where a collective agreement is in force are amended.

Restriction on Applications for Decertification

65. Where a collective agreement is in force, no application to cancel the certification of the bargaining agent or to terminate the bargaining rights of the bargaining agent shall be made:

- during the first six months after the date on which the collective agreement became effective; or
- during the last three months of the term of the collective agreement; or
- where the collective agreement is for a term of less than 18 months, except during the three months immediately preceding the last three months of the term of the collective agreement; or
- where the collective agreement is for a term of more than 18 months, except during the three months immediately preceding any anniversary of the date on which the collective agreement became effective or during the three months immediately preceding the last three months of the term of the collective agreement; or
- where the collective agreement is for a term of one year; and
- provides that it will continue to be effective for a further term of one year or for successive terms of one year each, unless one of the parties thereto gives to each of the other parties notice of termination or notice of a desire to bargain collectively with a view to renewal or revision, or the making of a new collective agreement;

except during the three months immediately preceding the three months preceding any date on which the collective agreement may be terminated.

Dismissal of Application to Cancel, etc.

66. If the board is satisfied that less than 50% (was 35%) of employees in a unit support an employee's application to the board to cancel certification or terminate bargaining rights, it will dismiss the application.

Where Board May Order Vote

67. The board will direct that a vote be taken to determine the wishes of the employees in the unit as to the selection of a bargaining agent to act on their behalf where an employee makes an application to the board to cancel certification or terminate the bargaining rights of the bargaining agent.

Power to Hold Votes

68. Certification and cancellation vote is now extended to include "professional employees practising a profession" in the unit or proposed unit.

An added section stipulates:

Qualifications of Voters, etc.

69. Where the board takes a vote, relating to certification or cancellation, of employees or of professional employees practising a profession in a unit or proposed unit, the board must:

- describe the unit or proposed unit for the purposes of taking the vote and where necessary the professional employees in the unit or proposed unit practising each separate profession; and
- fix the date as of which a person must meet certain qualifications in order to be entitled to cast a vote;

and may, on application, determine whether a person is or is not entitled to cast a vote.

Majority Vote

70. Where the board takes a vote on an issue a majority of those voting on the issue shall determine the issue.

Collective Bargaining and Collective Agreements

Parties to Meet with Conciliation Officer, etc.

71. The amendment sets down that the conference with the parties will be arranged by the conciliation officer, mediator or conciliation board.

Purchase, etc., of Business

72. The terms of the collective agreement must be maintained as before, but now, not only when the business is sold, but also when it is leased, transferred or otherwise disposed of to another person.

Collective Agreements in Case of Merger of Bargaining Agents

73. Where two or more bargaining agents are amalgamated or merged, each collective agreement to which any of the bargaining agents is a party and which is in force in respect of employees of one or more employers shall, until it is terminated, but subject to the Act and the terms of that agreement, remain in force in respect of, are binding upon, and enure to the benefit of:

- the employees in the unit on behalf of whom the agreement was made;

- the amalgamated or merged bargaining agent, whether certified or not; and
- the employer that is a party to the agreement.

Effect of Merger of Bargaining Agents

74. Where the board has ordered a merger of units and has certified the amalgamated or merged bargaining agent for the merged unit, the several agreements, with such modifications as the board may prescribe in order to remove any inconsistencies between the agreements, are binding on the new certified amalgamated or merged bargaining agent and on the employer until the termination thereof or until a new agreement is entered into between the new amalgamated or merged bargaining agent and the employer.

Application of Closed Shop Agreement to Conscientious Objector

75. Where:

- a collective agreement in respect of a unit of employees of an employer provides for membership in a union as a condition of employment or continued employment or provides for preference of employment to a member of a union; and
- an employee in the unit in respect of which the collective agreement is in effect has satisfied the board that by reason of his religious beliefs he is opposed to joining or belonging to a union;

the board may, on application of the employee, by order exempt the employee from complying with that provision of the collective agreement and in that case the employer may employ or grant preference without being in breach of the collective agreement.

Preparation of Code of Employment

76. Where:

- within one year after the date on which a union is certified as the bargaining agent for a unit or the expiry of any period of extension that may be ordered in respect of the bargaining agent and the employer;
- no collective agreement has been in effect between the bargaining agent and the employer since the date on which the union was certified as the bargaining agent of the unit; and
- without the written consent of the bargaining agent;

the employer increases the rate of wages or alters any other term or condition of employment of any employee in the unit which was in effect on expiry of the periods mentioned above, the bargaining agent may, in writing, request the employer to prepare a written code of employment for the employees in the unit setting out the rates of wages and the terms and conditions of employment of the employees in the unit as increased or altered, as the case may be, and the employer shall within 30 days after receiving the request prepare the written code of employment and deliver a copy thereof to the bargaining agent.

77. The compulsory check-off provision and the provision for final settlement without work stoppage apply with the necessary changes to a code of employment as though it were a collective agreement.

Term of Code of Employment

78. A code of employment is effective for a year commencing on the date on which the most recent increase in rate of wages or alteration in term or condition became effective prior to the request being made to prepare the code.

Code of Employment Enforceable

79. A code of employment is enforceable by the bargaining agent for the unit and the employer as though it were a collective agreement.

Effect of Code of Employment

80. The provisions of a code of employment apply in all respects as though a collective agreement were in effect between the employer and the bargaining agent in the terms of the Code.

Limitation on Preparation of Code of Employment

81. Where an employer has complied with a request of a bargaining agent for a unit to prepare a code of employment, he is not required to comply with any further such request unless the certification of the union as bargaining agent has ceased for any reason to be effective, and after a period of ineffectiveness the same union has again been certified.

Disputes Determined by Board

82. Where a dispute arises as to:

- whether the rate of wages of employees in a unit has been increased; or
- whether the terms and conditions of employment of employees in a unit have been altered; or

- the date on which an increase in rate of wages or an alteration in any other term or condition of employment of employees in a unit became effective; or
- what rate of wages is paid to employees in a unit; or
- what terms and conditions of employment apply to employees in a unit; or
- whether a code of employment accurately sets out the rate of wages of employees in a unit;

any party to the dispute may apply to the board to determine the dispute and the board shall determine the dispute and make such order as it thinks necessary to give effect to the determination.

Where Employer Fails to Prepare Code of Employment

83. Where an employer fails to prepare a code of employment as requested, the bargaining agent may apply to the board to prepare the code and the board may prepare a code of employment having the same force and effect as though it were prepared by the employer.

Lockouts and Strikes

Restriction on Strikes, etc., after Certification

84. The prohibition on strikes and lockouts may now be extended beyond the period of 90 days after the date on which the union was certified.

Mediators and Arbitration Boards

Limitation as to Time for Applications, etc.

85. After 30 days have elapsed since the award of an arbitration board was served on the parties to the arbitration, no application shall be made to any court, and no proceeding or action commenced in any court:
- to set aside or quash the award whether by prerogative writ or otherwise; or
 - for a declaration that the award is invalid or void or a nullity; or
 - for a declaration that any act or omission of the arbitration board renders the award invalid or has the effect of invalidating the award or affects the validity of the award.

Exception for Fraud, etc.

86. An application, action or proceeding to set aside an award of an arbitration board or to declare an award of an arbitration board invalid on the grounds that the award was obtained by fraud or based on perjured evidence may be made or commenced at any time.

No Extension of Grounds

87. Nothing in the Act extends the grounds on which a court may quash or set aside an award of an arbitration board or issue a prerogative writ against an arbitration board.

Declaration as to Irregularities

88. Where a party to a collective agreement submits a dispute under the collective agreement to an arbitration board, notwithstanding that a party to the collective agreement claims that:

- any time limit; or
- any restriction relating to the time or location of meetings; or
- any requirement relating to service or filing of documents;

imposed under the collective agreement or the Act has not been complied with, the parties must proceed to appoint the arbitration board and, if the arbitration board is satisfied that the irregularity with respect to the limit, restriction or requirement has not prejudiced the parties to the arbitration and will not affect the merits of the matter submitted to the arbitration board, it may, on its own initiative or on application of any party to the arbitration, declare that the irregularity does not affect the validity of the decisions or awards of the arbitration board; and the declaration is binding on the parties to the arbitration and on any person affected by the decisions or awards of the arbitration board.

List of Arbitrators

89. The Minister may maintain a list of persons who have, in his opinion, qualities and experience that make them suitable persons to act as mediators, arbitrators or chairmen of arbitration boards in labour negotiations or labour disputes and who have indicated to him their willingness to act in all or any of those capacities, and the Minister may make the list available to parties to labour negotiations or labour disputes.

General

Review of Collective Agreement

90. As before, for the purposes of applications or hearings the board may review and consider the relevant collective agreement. In such cases, the board is now empowered to deal for purposes of any matter a proceeding with multiple corporations, firms or individuals, all under common control or direction, in all respects as though they were a single employer.

Limit as to Time for Applications, etc.

91. After 30 days have elapsed since an order or decision of the board is made or given, no application must be made and no action or proceedings commenced in any court:
- to set aside or quash the order or decision whether by prerogative writ or otherwise; or
 - for a declaration that the order or decision is invalid or void or a nullity; or
 - for a declaration that any act or omission of the board renders the order or decision invalid or has the effect of invalidating the order or decision or affects the validity of the order or decision.

Exception for Fraud, etc.

92. An application, action or proceedings to set aside an order or decision of the board or to declare an order or decision of the board invalid on the grounds that the order or decision was obtained by fraud or based on perjured evidence may be made or commenced at any time.

No Extension of Grounds

93. Nothing in the Act extends the grounds on which a court may quash or set aside an order or decision of the board or issue a prerogative writ against the board.
94. A regulation under the Québec Labour Code came into force March 24, 1976.

Arbitration, Remuneration and Procedure

Sets fees, travel allowances and expenses of council of dispute arbitration and the court of grievance arbitration members and of the grievance arbitrator.

In Québec and Montreal, inquiry and hearing sittings must be held whenever possible, in the premises of the Department of Labour and Manpower.

The procedure for grievance arbitration is laid down:

- the president of the court of grievance arbitration or the grievance arbitrator, as the case may be, is the master of procedure. He must, if not specified in the collective agreement, determine the place where the sittings are to be held, refuse any adjournment he deems unwarranted, fix peremptorily, when necessary, the date of the sittings;
- at their discretion, the president or the arbitrator may proceed in the absence of a member of the court or of the party who has failed to appear after having been duly summoned;
- at the discretion of the president or the arbitrator, the proceedings (or the private sittings) once started, must continue from day to day.
- the court of grievance arbitration or the grievance arbitrator must render decision within thirty (30) days following the end of the inquiry unless the collective agreement fixes another delay. The court or the arbitrator must also forward a copy of the decision to the office of the chief investigation commissioner within the ten (10) following days.

Witness expenses are paid by the party who has summoned them.

95. In British Columbia, the Labour Relations Board Regulations were amended, including among other things, an additional holiday in line with the "British Columbia Day Act" which laid down the first Monday of August as a legal holiday.
96. Some of the requirements concerning applications to the board for hearing complaints on strikes, lockouts, picketing and limitation of production are modified.

Application - Notices

97. Previously, the board could direct the employer to bring the application to the attention of affected employees in some other way in addition to posting notices. Either one or both methods of notification are now acceptable.

98. Further flexibility is added to the application provisions by the board being able to permit, at the request of either party or on its own motion, any party to initiate or proceed with an application without fully complying with the regulations.

Hearings

99. The board may notify the parties that formal hearing of the complaint and application will be postponed pending investigation or attempted resolution of the dispute by the board.
100. A contesting party is no longer required to set out the material facts upon which it relies in a statutory declaration.
101. The board may, without holding a hearing:
- dismiss the complaint;
 - postpone making an order until the parties, in accordance with a procedure agreed to by the parties and sanctioned by the board, have endeavoured to settle the matter in dispute; or
 - make such other order or proceed in such other manner as it deems appropriate.

B. Public Sector

Teachers

Prince Edward Island

102. On May 22, 1976, the terms and conditions of employment regulations became effective in Prince Edward Island.
103. These regulations made under the authority of the School Act provide that each Regional School Board may prescribe terms and conditions of employment for instructional and non-instructional personnel, if such terms and conditions of employment are not in conflict with the School Act or any regulations thereunder, any collective agreement between the Minister of Education and the authorized representative of instructional or non-instructional personnel or any terms and conditions of employment for supervisory personnel as established by the Minister of Education.

Construction Workers

Québec

104. Regulations were adopted in January 1976 to establish the constitution of the Association of Building Contractors of Québec since the representative employers associations had not succeeded in coming to an agreement within the time prescribed in the Act (Construction Industry Labour Relations Act, as amended by Bill 47) for submitting such constitution.

Object and Membership

105. The Association of Building Contractors of Québec deals exclusively with labour relations in the construction industry and is the only employer representative for the purposes of negotiation.
106. Every employer in the construction industry must be a member of the association and pay his fees prior to the annual general assembly. A corporation or partnership must appoint an agent by written proxy and written notice to that effect must be sent to the secretary of the association.

Voting

107. The value of the vote of each member is decided by the Board of Directors at the moment of the voting. Each member may have a vote of the same value or the value of the vote may be established according to the number of hours worked by the employees of each employer as appears in the monthly reports sent by each employer to the "Office". The value of the vote would then be established in the following manner:

<u>Hours worked</u>	<u>Vote(s)</u>
1,000 to 5,000 hours	1
5,001 to 25,000 hours	2
25,001 to 100,000 hours	5
100,001 hours and over	15

Sectors

108. The constitution establishes four sectors in the construction industry:
- (a) residential construction sector;
 - (b) industrial construction sector;
 - (c) road construction and engineering works sector;
 - (d) general sector comprising all employers who do not belong to sectors mentioned in (a), (b) and (c).

General Meeting of the Association

109. A general meeting is held every year during the first two weeks (15 days) of June. The notice of meeting must be sent at least 30 days before the date of the meeting. A special meeting of the members of the association may be convened at the written request of four members of the Board of Directors or 40 members of the association.

Regional Sections

110. The totality of the employers of each region mentioned in the decree, constitutes a regional section. In each regional section, a president and vice-president are elected by the members of the section. At least two other members are elected as candidates eligible for election to a director's position in the association.

Board of Directors of the Association

111. Directors are elected by secret ballot at a general assembly of the members called for this purpose by the secretary of the association. Every member or his representative has a ballot of equal value. The members vote to elect a director for each of the eleven regions mentioned in the decree. They choose from among candidates who have been found eligible to represent each region.
112. This election takes place each year during a special assembly of the members, between November 15 and December 1, in order to fill, if necessary, any vacant positions on the Board of Directors. A director is elected for a period of two years.
113. Among other things, the Board of Directors has the power to adopt the budget prepared by the Executive Committee, to appoint those persons who are to act as members of the committee negotiating the collective agreement and to submit to employers on behalf of the association, any draft collective agreement for approval or rejection.

Executive Committee

114. The Executive Committee is composed of five members elected for two years from among the members of the Board of Directors. These members are the president, first vice-president, second vice-president, secretary and treasurer. At least eight meetings for each fiscal year of the association must be held by the Committee.
115. Among other things the Executive Committee sees to the enforcement of decisions handed down by the Board of Directors, the good management of the association, and engages the personnel and establishes their remuneration.

Committees

116. The Board of Directors may create general or special committees. The following committees are established by the regulations: finance committee, elections committee, committee on ethics and discipline, four sectorial committees of the construction industry (residential, industrial, road construction and engineering, general sector) and a negotiating committee.

Ratification of a Draft Collective Agreement

117. The Board of Directors assesses the mandate given to the negotiating committee and submits to members of the association a draft collective agreement for ratification, rejection or lockout. A vote is held by secret ballot at a general meeting of the members of the association held especially for that purpose.

Amendments to the Constitution

118. A draft amendment to the constitution must be forwarded to the secretary of the association at least 30 days prior to the meeting of the Board of Directors. The draft amendment is discussed at the said meeting and a notice of motion to this effect must be given to the Board of Directors at least seven days before the meeting.
119. No provision of the constitution may be amended without the consent of at least eight members of the Board of Directors. The amendment must then be submitted for approval at a special meeting of the members of the association and receive the approval of two thirds (2/3) of the votes cast.

Provisional Measures

120. By virtue of the regulations, the "Office de la construction du Québec" is entrusted with the task of convening the first general meeting of all the employers of the construction industry in Québec in order to elect the members of the first Board of Directors of the association.
121. The first Board of Directors is elected by secret ballot in the following manner. Each existing representative employer association appoints, for two of the 12 positions which are attributed to it, four eligible candidates. Each association forwards to the "Office de la construction du Québec", at least ten days before the date of the first general meeting of the association, the names and addresses of these four candidates.
122. The member of the association, for the totality of these 12 positions, chooses among the four candidates eligible for each group of two positions. The two candidates which receive the highest number of votes, for each group of two positions are elected. During this vote, each employer or his agent has a vote of equal value.
123. The first Board of Directors has the general mandate of managing the affairs of the association. Respecting the bargaining of the next collective agreement in the construction industry, it must also negotiate in order to arrive at a new agreement in the name and on behalf of the association.
124. With respect to the next collective agreement, the board must convene a meeting of the members of the association for each sector. The board must also prepare the implementation of a definite organization of the association.
125. Regulations concerning the constitution of the Office de la construction du Québec were adopted on April 30, 1976.

Meetings of the Office

126. The Office must convene at least eight (8) meetings each year. The notice of meeting must be sent at least one day prior to the meeting by the secretary or, in his absence, by the chairman. The notice contains the place, the date and the hour of the meeting.

Committees and Subcommittees

127. The Office may establish one or more committees or subcommittees by regulation. The three members of the office are ex-officio members of any committee or subcommittee.

Secretary of the Office

128. The duties of the secretary appointed by the Office are to organize and coordinate the duties of the permanent Office, to be present at meetings and write up minutes, to produce, where necessary, true certified documents by placing the seal of the Office and his signature on such documents, to convene members of the Office to meetings and to hold and keep all official documents of the Office.

Amendments to the Constitution of the Office

129. Amendments to the constitution must be adopted at a meeting of the Office according to the provisions of the Construction Industry Labour Relations Act.
130. Regulations respecting the registration certificate issued by the Office de la construction du Québec were adopted.
131. By virtue of these regulations, every construction employee must obtain a registration certificate from the Office de la construction du Québec.
132. The employee who has not made his choice of a recognized representative association according to the Construction Industry Labour Relations Act, may obtain a registration certificate by completing a form ("formule d'adhésion syndicale") prepared for this purpose by the Office.
133. The registration certificate must indicate the name of the employee, his home address, his social insurance number, his date of birth, the name of the representative association he has chosen, the issue date of the certificate and any other indication judged necessary by the Office.

During working hours and upon request, the employee must produce his registration certificate for any person so authorized by the Office.

134. The Construction Industry Labour Relations Act (Section 18(2)) provides that the Lieutenant-Governor-in-Council upon the recommendation of the Minister of Labour and Manpower may extend or amend the Construction Decree without the consent of the employer and employee associations whose representativeness is more than 50%, where in the general public interest it is the only solution possible to remedy the existing situation.
135. On April 30, 1976, an Order-in-Council extended the Construction Decree and amended the wage rates as follows: hourly rates were increased by \$0.55, weekly rates by \$22 and monthly rates by \$88, in addition to the lump sum payment provided for in the decree.

C. Emergency Legislation

Ontario

136. In Ontario, emergency legislation was adopted on five instances to deal with labour disputes affecting the education sector.
137. On January 16, the Metropolitan Toronto Boards of Education and Teachers Disputes Act, 1976 (Bill 1) received Royal Assent. Bill 1 was adopted to settle labour disputes involving the boards of education in the Municipality of Metropolitan Toronto and their secondary school teachers.
138. Teachers had engaged in strike action on November 12, 1975, and some of the boards of education had locked out the teachers employed by them. No settlement was reached by the parties and the Education Relations Commission advised the Lieutenant-Governor-in-Council that in the interest of the public and of the students in particular strikes and lockouts should be ended and teachers should return to their duties.
139. Bill 1, ordered resumption of employment on the first Monday following the coming into force of the Act in accordance with contracts of employment and written collective understandings in effect on August 31, 1975.
140. The Bill provided for all matters remaining in dispute between the parties to be referred to an arbitrator for determination under the terms of the School Boards and Teachers Collective Negotiations Act, 1975 (Bill 100). The arbitrator was to be appointed by the Lieutenant-Governor-in-Council following the coming into force of the Act. Strikes and lockouts were prohibited until an agreement including the decision of the arbitrator was to come into force.
141. Within seven days after the Act came into force, the parties had to notify the arbitrator in writing of all matters agreed upon and those remaining in dispute. Relevant provisions of Bill 100 applied to proceedings conducted before the arbitrator. However, the arbitrator had to report to the parties and the Commission within 30 days after his appointment or such longer period as consented to by the Commission (according to Bill 100, time for report is 60 days or longer with consent of the Commission).
142. Bill 1 provided that the collective agreement was to cover the period commencing September 1, 1975, and expiring not later than August 31, 1977. The Bill also provided that between January 19 and June 30, 1976, days designated by the boards as professional activity days according to Ontario Regulation 546/73 were not professional activity days but instructional days.
143. The Ontario legislature adopted the Kirkland Lake Board of Education and Teachers Dispute Act, 1976 (Bill 2) to bring an end to a 44-day strike involving the Kirkland Lake Board of Education and its secondary school teachers.

144. Negotiations for renewal of the teachers' contract which expired on August 31, 1975, had begun on April 9, 1975. On September 11, a fact finder was appointed to the dispute in accordance with Bill 100 (the School Boards and Teachers Collective Negotiations Act), which received Royal Assent on July 18, 1975. No settlement was reached and the Education Relations Commission appointed a mediator in November. On January 12, 1976, after a vote, as provided by Bill 100, strike action began.
145. Bill 2 provided for resumption of employment and operations of schools as of the first Monday following the day the Act came into force (March 15), in accordance with contracts of employment and written collective understandings in effect on August 31, 1975.
146. By virtue of the Act, the parties were deemed to have agreed to refer all matters remaining in dispute to an arbitrator to be appointed by the Lieutenant-Governor-in-Council. Strikes and lockouts were prohibited from the day resumption of operations was ordered until a collective agreement including the decision of the arbitrator was to come into effect.
147. Within seven days after the coming into force of the Act, both parties had to give written notice to the arbitrator setting out all matters agreed upon for inclusion in an agreement and all matters remaining in dispute. Provisions of the School Boards and Teachers Collective Negotiations Act, 1975 applied to the arbitrator, to proceedings conducted before him to the parties and to the teachers.
148. The collective agreement including the decision of the arbitrator will be in effect from September 1, 1975, until August 31, 1977. Provisions of Bill 100 respecting offences and penalties apply in respect of a contravention of any provision of the Act.
149. The Central Algoma Board of Education and Teachers Dispute Act, 1976 (Bill 51) was adopted on April 13, 1976, to settle a dispute between the Central Algoma Board of Education and its secondary school teachers. Strike action by the teachers began on February 16 and ended on April 12, 1976. The parties, however, were unable to make an agreement as to terms and conditions of employment.
150. The Bill provided for all matters remaining in dispute between the parties to be referred to a selector for determination in accordance with the School Boards and Teachers Collective Negotiations Act, 1975 (Bill 100). Withdrawal from such proceedings by the parties was prohibited.
151. Within seven days after the coming into force of the Act, the parties had to give jointly a written notice to the Education Relations Commission stating the date of appointment, the name and address of the selector appointed by them, or requesting the Commission to appoint the selector. In case of failure to give the notice, the Commission was to make the appointment and notify the parties accordingly. Relevant provisions of Bill 100 applied to proceedings conducted before the selector.

152. Bill 51 provided that the collective agreement giving effect to all matters agreed upon by the parties and the decision of the selector was to cover the period commencing September 1, 1975, and expiring August 31, 1976.
153. With the concurrence of the selector and the parties, the Education Relations Commission could reduce any period of time referred to in Bill 100 and relevant to final offer selection. Professional activity days established by the Ontario Regulation 546/73 are to be considered instructional days for the period ending June 30, 1976.
154. The provisions of Bill 100 respecting offences and penalties apply to any contravention to Bill 51.
155. A dispute between the Sault-Ste-Marie Board of Education and its secondary school teachers was settled by the adoption of emergency legislation on April 14, 1976. Bill 52, the Sault-Ste-Marie Board of Education and Teachers Dispute Act, 1976 was adopted to end a strike by secondary school teachers which commenced on February 6.
156. Bill 52 provided for resumption of employment by the teachers on the first Tuesday following the coming into force of the Act in accordance with contracts of employment and written collective understandings in effect between the parties on August 31, 1975.
157. The parties were deemed to have agreed to refer all matters remaining in dispute to an arbitrator appointed by the Lieutenant-Governor-in-Council immediately following the coming into force of the Act. Within seven days after the Act was assented to both parties had to give written notice to the arbitrator setting out all matters agreed upon and all those remaining in dispute. The decision of the arbitrator had to be reported to the Education Relations Commission and to the parties within 30 days of appointment or such longer period of time as consented to by the Commission.
158. Relevant provisions of the School Boards and Teachers Collective Negotiations Act, 1975 (Bill 100) applied to the arbitrator, to proceedings conducted before him to the parties and the teachers. The agreement giving effect to the matters agreed upon by the parties and the decision of the arbitrator was to be for the period commencing September 1, 1975, and expiring on August 31, 1977.
159. Provisions of Bill 100 respecting offences and penalties applied to any contravention of Bill 52.
160. Bill 75, the Windsor Board of Education and Teachers Dispute Act, 1976, received Royal Assent on May 7, in Ontario.
161. Negotiations between the Board of Education for the City of Windsor and its secondary school teachers had come to an impasse. Teachers began strike action on March 30 and the Board of Education closed its secondary schools on April 5. In the interest of the public and of the students in particular emergency legislation was adopted to terminate the lockout and to open the schools.

162. Bill 75 provided for resumption of employment and operation of schools on the first school day following the day the Act came into force under the terms and conditions of contracts of employment and written collective understanding in effect on January 1, 1976.
163. Parties were deemed to have agreed to refer all matters remaining in dispute to an arbitrator to be appointed by the Lieutenant-Governor-in-Council immediately following the coming into force of the Act. Relevant provisions of the School Boards and Teachers Collective Negotiations Act, 1975 (Bill 100) applied to the arbitrator, to proceedings conducted before him, to the parties and to the teachers. However, the agreement giving effect to matters agreed upon by the parties and to the decision of the arbitrator was established by the Act to be in effect from January 2, 1976, to August 31, 1977 (Bill 100 provides that an agreement becomes effective on September 1, in the year in which it is to come into operation).
164. The arbitrator had to submit his report within 30 days after his appointment or within such longer period as provided in writing by the arbitrator and consented to by the Education Relations Commission.
165. Bill 75 prohibited strikes and lockouts until an agreement made between the parties or that included the decision of the arbitrator came into effect.
166. The Bill provided that between the day resumption of operation of schools was ordered and June 30, 1976, professional activity days designated as such by the Board of Education were established as instructional days.
167. Provisions of Bill 100 respecting offences and penalties and the procedure relating thereto applied in respect of a contravention of any provision of the Act.

Québec

168. In Québec, Bill 23, An Act respecting the maintaining of services in the sector of education and repealing a certain legislative provision, was adopted to end strikes and lockouts which occurred in the education sector and to provide for the settlement of a dispute opposing school boards and colleges and approximately 90,000 employees.
169. Bill 23 prohibited strikes, lockouts, slow-down or diminution of regular activities by employees of colleges and school boards for a period of 80 days following April 11, 1976. All employees had to resume the duties of their employment in accordance with their contracts, agreements, collective agreements or decrees.
170. The use of intimidation, violence, harassment or manoeuvres to incite teachers or pupils to be absent from their classes or employees to be absent from their work was prohibited in every teaching establishment, public or private and whether or not covered by the Act.

171. Associations of employees, federations, confederations, corporations or other organizations to which such associations belonged had to take appropriate measures to induce their members to comply with the prohibitions related to strikes, lockouts and slow-down of work and the use of intimidation or violence.

Commissioners for School Disputes

172. The Bill provided for the appointment of three commissioners for school disputes by the Lieutenant-Governor-in-Council to inquire into matters negotiated at the provincial level, to examine the most recent union demands and management offers and weigh the probable ramifications of such demands and offers on the levels of services, staff productivity and costs. The report of the commissioners had to be submitted within 60 days of their appointment and made public immediately.

Offences, Penalties and Proof

173. Every member, administrator, officer, employee, agent or advisor of a college or school board who participated in a lockout was liable to a fine of \$5,000 to \$50,000 for each day or part of a day during which the offence continued.
174. Whoever participated in a strike, slow-down or diminution of activities, or used intimidation or harassment to incite teachers, pupils or employees to be absent from their classes or their work and whoever contravened the order to resume employment was liable to a fine of \$50 to \$250 for each day or part of a day during which the offence continued.
175. Every association, union, federation, confederation, corporation or other organization to which an association belonged that encouraged or incited its members to act in contravention of the Act was liable to a fine of \$5,000 to \$50,000 for each day or part of a day during which the offence continued. Where such unions, federations or confederations were guilty of an offence the administrators, officers, employees, agents or advisors who participated in the offence or who acquiesced therein were deemed to be party to the offence and liable to the penalty provided for the offence.
176. Every member, administrator, officer, employee, agent or advisor of an association, union, federation, confederation, corporation or other organization who authorized, encouraged or incited a person to contravene the Act was guilty of an offence and liable to a fine of \$5,000 to \$50,000 for each day or part of a day during which the contravention continued. The union, association or confederation to which the member, administrator or agent belonged was a party to the offence and liable to the fine provided for the offence.

177. Employees who engaged in strike action, slow-down of work or diminution of regular activities or did not resume their employment as ordered by the Act were deemed to act in contravention to Bill 23 on a given day upon proof prima facie that they did not perform their duties on that day. The presumption could be rebutted where employees could prove that they actually performed their duties in the regular manner on that day or that the absence was a result of a normal schedule of work and was not part of a concerted action of employees.
178. Bill 23 provided that where the Attorney-General was of the opinion that a substantial group of persons for whom an association was certified had not complied with provisions of the Act related to work stoppage or incitement to be absent from work, he could issue an order for the cessation of the withholding of the union assessment for a period of at least three months or at the most one year.

V. INDUSTRIAL SAFETY AND HEALTH

179. During the last five months, various provinces made changes in their occupational safety and health legislation and three Acts that were awaiting proclamation have been put into force.

Industrial Safety Council

180. New Brunswick has amended the regulation under the Industrial Safety Act which deals with the province's Industrial Safety Council.

181. The Industrial Safety Council is now composed as follows:

- (1) a representative of Employers;
- (2) a representative of Labour;
- (3) the Chairman of the Workmen's Compensation Board;
- (4) the Executive Director of the Employment and Technical Standards Division of the Department of Labour and Manpower;
- (5) a person acting as Chairman;
- (6) a member of the New Brunswick Forest Industries Safety Association; and
- (7) an additional person to be appointed at the discretion of the Lieutenant-Governor-in-Council.

182. The Chairman and members of the Industrial Safety Council are appointed by the Lieutenant-Governor-in-Council for a period not exceeding three years and may be reappointed from time to time.

Mines Safety

183. In Manitoba, amendments have been made to the regulation governing the operation of mines under the Mines Act.
184. An addition to the regulation provides that the manager of a mine or his representative from the work place must meet at least once every month to consult with representatives of the employees on measures for promoting the safety and health of persons engaged or employed in and about the mine. Such manager or representative must maintain a written record of all matters discussed at the meeting and the action required, if any.
185. A representative of the employees and of the manager may accompany the inspector on any inspection of a mine.

186. Also the inspector may make an unannounced inspection at any time and may make arrangements for accompaniment by other persons at the time of the inspection.
187. It is stipulated in the regulation that a representative of the employees or an employee using suitable equipment may make tests for contaminants in a mine.
188. Additional requirements have been laid down for trackless mobile vehicles and other equipment used in or about a mine.
189. Newfoundland passed the Regulation of Mines (Amendment) Act, 1975. The Act expands the definition of "mine" to include cement plants, pelletizing plants, smelters and reduction plants in which minerals are processed and works involving the excavation, operation or rehabilitation of shafts, tunnels or chambers for industrial purposes.
190. The Act will come into force on proclamation.

Explosives

191. Alberta has revised its regulations governing the storage, handling, preparing and firing of explosives under the Workers' Compensation Act.
192. New Explosives Safety Regulations have been issued and came into force March 1, 1976. The new regulations stipulate that an employer must report to the Workers' Compensation Board any accident in which the use of explosives was involved and detonation occurred, whether or not any person received injury.
193. Changes have been made in the requirements for certain types of storage magazines and provisions relating to the abandoning and destruction of explosives have been added to the regulations.

Stationary Engineers

194. New Brunswick passed an Act to Amend the Stationary Engineers Act which came into force January 28, 1976.
195. The Act provides that, where a licence is suspended or cancelled by the Board of Examiners, the licensee may appeal the decision to the Minister of Labour and Manpower.
196. By virtue of the powers conferred upon him in the Act, the Lieutenant-Governor-in-Council has made regulations:
 - (1) designating heating plants or power plants or classes thereof to which the Act does not apply;
 - (2) specifying the rating of a boiler or plant;

- (3) respecting the classes of licences to be issued;
- (4) prescribing the qualifications of persons for a stationary engineer's licence; and
- (5) respecting the duties of a chief stationary engineer, shift engineer and assistant chief engineer.

Boiler and Pressure Vessel

- 197. In New Brunswick, a new Boiler and Pressure Vessel Act was assented to April 14, 1976. The Act will come into force on proclamation and will replace both the Boiler and Pressure Vessel Act and the Stationary Engineers Act.

Fire Safety

- 198. Saskatchewan has modified its fire safety legislation by passing an Act to amend the Fire Prevention Act which came into force April 27, 1976.
- 199. The Act now stipulates that inspectors, local assistants and municipal inspectors may aid in the enforcement of the laws of the province, regulations made thereunder and municipal bylaws relating to fire safety and prevention. They may also order in writing that any condition which contravenes or does not comply with any regulation made under the Act be remedied.
- 200. The amendments also include an increase in the fines provided for non-compliance with the Act.
- 201. In Québec, the regulation respecting safety in public buildings under the Public Buildings Safety Act has been amended.
- 202. Any building conforming to the National Building Code of Canada or to the National Fire Prevention Code of Canada is considered consistent with the regulations for the subjects covered in these codes.
- 203. A provision dealing with measures for fire safety in high buildings has been added to the regulations.
- 204. Effective January 21, 1976, New Brunswick passed an Act to amend the Fire Prevention Act.
- 205. In certain hazardous situations, as specified in the Act, the fire marshal or a local assistant may order the owner or occupant of a building or other structure to carry out such drills and evacuation procedures as the fire marshal feels necessary where the major concern is to save lives by an orderly evacuation of persons at the time an emergency arises.
- 206. The building and fire prevention standards are now prescribed by regulation.

207. New provisions added to the Act apply to persons who sell, keep for sale, give, buy or set off fireworks.

Electrical Safety

208. In Saskatchewan, new requirements for electrical equipment and installations in or upon any land, buildings, structures and premises in the province will become effective September 1, 1976.
209. The requirements are constituted by the Canadian Electrical Code, Part 1, as amended by a new regulation issued under the Electrical Inspection and Licensing Act.
210. Coming into force on July 1, 1976, comprehensive Electrical Protection Regulations have been made under the Alberta Electrical Protection Act. They replace the former safety rules issued under the Act as well as the regulations governing underground power and joint use systems and part of the regulations governing the manufacture, installation and inspection of electrical equipment.
211. In Québec, the Electrical Code has been amended in order to keep pace with technological change in the field of electricity.
212. New Brunswick passed a new Electrical Installation and Inspection Act which was assented to April 14, 1976. The Act which is awaiting proclamation will replace the former Electrical Installation and Inspection Act and the Lightning Rod Act.

Radiation

213. The federal authority has amended its Radiation Emitting Devices Regulations under the Radiation Emitting Devices Act. The regulations now govern the standards of design, construction and functioning of demonstration-type gas discharge devices and of baggage inspection X-ray devices. Provision is also made for warning signs.

Proclamations

214. In Alberta, the Coal Mines Safety Act which was assented to June 6, 1974, has been proclaimed into force on December 22, 1975. One set of regulations covering the subject has been issued under the Act replacing all former regulations relating to coal mines safety.
215. Ontario has issued a proclamation putting into effect the Building Code Act 1974. The Act and the comprehensive regulations made under it became effective December 31, 1975.
216. In the federal jurisdiction, the Environmental Contaminants Act was proclaimed into force April 1, 1976.

VI. WORKERS' COMPENSATION

217. During the last five months, New Brunswick, Nova Scotia, Prince Edward Island and Québec have amended their Workmen's Compensation Acts. In Prince Edward Island, the title of the Act has been changed to the "Worker's Compensation Act". Changes have also been made in other jurisdictions relating to the coverage of the legislation and the maximum level of insurable earnings.

Coverage

218. Alberta has issued regulations which, starting January 1, 1976, provide for the inclusion under the Workers' Compensation Act of many industries which were not covered unless the work in which they were engaged was carried out as part of an industry within the scope of the Act, or an application had been approved by the Board. The regulations provide for other inclusions in the next two years.
219. In Newfoundland, the Workmen's Compensation Act now provides automatic coverage for employers in the pulpwood logging industry. In the case of a disability or death covered by the Act, they are entitled for themselves or their dependant(s) to compensation from the date they file with the board a statement of estimated production for the current year.

Earnings Ceiling

220. Effective January 1, 1976, the maximum annual insurable earnings have been upgraded as follows: in New Brunswick and Nova Scotia from \$9,000 to \$12,000, in Newfoundland from \$9,000 to \$10,500, in Québec from \$9,000 to \$13,500, and in Prince Edward Island from \$8,000 to \$9,000 with an additional increase to \$12,000 coming into force January 1, 1977.
221. The maximum wage rate for the year 1976 has been set at \$15,000 in Manitoba, \$14,000 in Saskatchewan and \$12,000 in the Yukon Territory.

Benefits to Dependants

222. New Brunswick, Newfoundland and Prince Edward Island have amended their legislation concerning the benefits paid to the dependant(s) of a deceased worker.
223. In New Brunswick, effective January 1, 1976, burial expenses have been increased from \$500 to \$600 and the payments to the surviving spouse (formerly widow or invalid widower) were upgraded from \$140 to \$250 monthly with an additional amount of \$50 per month compared to \$40 previously, for each dependent child. Also, the lump sum payment to a surviving spouse has been raised to \$500 from \$300.

224. Coming into force July 20, 1975, Newfoundland has increased the monthly pension to a widow or invalid widower from \$150 to \$225. The lump sum to which such a dependant is entitled in case of death has been raised from \$300 to \$500.
225. In Prince Edward Island, the monthly payment to a widow or invalid widower has been raised from \$150 to \$250, effective April 1, 1976.
226. An amendment to Nova Scotia's Workmen's Compensation Act assented to December 13, 1975, provides that where permanent total disability results in a paraplegic condition, there is a presumption that on the death of the claimant, such death is considered, for compensation purposes, as arising from the compensable disability.

Disability Benefits

227. The legislation governing compensation for disability incurred at work was amended in three provinces.
228. In New Brunswick, the minimum number of days of disability required before compensation is paid has been reduced from four to one day.
229. Effective January 1, 1976, the minimum amount of compensation for temporary total disability has been increased from \$45 to \$90 a week or the workman's earnings if less. For permanent total disability the minimum pension is now \$400 monthly compared to \$250 previously.
230. A workman suffering from permanent partial disability whose earning capacity is diminished by 50% or more, now receives a minimum compensation of \$300 per month.
231. Amendments to the Newfoundland Workmen's Compensation Act which became effective July 20, 1975, brought an increase in the minimum awards for temporary total and permanent total disability. The minimum payment for temporary total disability has been raised from \$45 to \$69.23 a week or the worker's earnings if less and for temporary partial disability a corresponding amount in proportion to the impairment of earning capacity. As regards permanent total disability, the minimum has been set at \$300 a month; this was an increase of 20%.
232. In Prince Edward Island, the minimum weekly payment for temporary total or permanent total disability went up to \$60 from \$45, or the worker's earnings if less. For temporary partial or permanent partial disability a corresponding amount is paid in proportion to the impairment of earning capacity.

Medical Review Panels

233. Amendments to the New Brunswick Workmen's Compensation Act provides for the appointment of medical review panels constituted of a chairman appointed by the Lieutenant-Governor-in-Council and two medical practitioners representing the workman and the employer and chosen in accordance with a procedure specified in the Act.

234. Within 90 days after the making of a medical decision by the Workmen's Compensation Board, a workman, his employer or former employer or a representative of either of them may notify the board that he is aggrieved by that medical decision. He must send with that notice a certificate from a medical practitioner certifying, with sufficient particulars, that in his opinion there is or may be a bona fide medical dispute to be resolved. The workman will then be examined by a medical review panel.
235. The board may on its own motion decide that a workman be examined by a panel and it may also waive the requirement of a certificate from a medical practitioner.
236. The decision is taken by a majority and the panel must submit its report to the board within 15 days after the examination.
237. Within 30 days of the receipt of the decision of the panel, the board must review the claim and send a copy of the medical certificate to the workman, to the medical practitioner whose certificate accompanied the request and to the employer.
238. In the case of a workman's death, a dependant or the last employer of the deceased workman may, within 60 days of having been advised of a decision of the Workmen's Compensation Board, notify the board, in writing, that he has been aggrieved by its decision concerning the cause of the death. Such cause of death must then be inquired into and ascertained by a medical review panel. This may also be ordered upon the board's own motion.
239. The medical representative of each party must be chosen in accordance with a procedure specified in the Act. This includes the requirement that such representative be a certified specialist in the particular class of injury or ailment alleged by the dependant to have caused the death of the workman.
240. The Act provides that a certificate of a medical review panel is conclusive, binding on the board and is not open to question or review in any court.

DISPOSITION OF BILLS

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a Bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading, each Bill is referred to a committee to undergo detailed study and possibly amendment. Committees can be of three main kinds: standing committees, special or sessional committees, and committees of the whole House.

After third reading and adoption, a Bill then must receive Royal Assent. The law is then effective or functional in whole or in part according to the "date in force" ascribed to it. This date may be indeterminate.

An index of Bills introduced or passed during the current period is attached to this report. The date of disposition of Bills is mentioned unless the information was not available (N.A.) at the time the index was prepared.

Index of Bills - Jan. 1, 1976 - May 31, 1976

Legislature	Bill No.	Title	Disposition
Federal		<u>Government Bills</u>	
	C-61	Maritime Code Act	2nd Reading 26/11/75
		<u>Private Members' Bills</u>	
	C-247	An Act Respecting Noise in Factories	2nd Reading 27/04/76
Alberta		<u>Government Bills</u>	
	33	The Civil Service Association of Alberta Repeal Act	Royal Assent 19/05/76
	39	The Occupational Health and Safety Act	Royal Assent 19/05/76
	41	The Workers' Compensation Amendment Act, 1976	Royal Assent 19/05/76
	43	The School Amendment Act, 1975	Royal Assent 15/12/75
	52	The Manpower Development Act	Royal Assent 19/05/76
		<u>Private Members' Bills</u>	
	217	An Act to Amend the Individual's Rights Protection Act	1st Reading 11/05/76
	220	An Act to Amend The Fire Prevention Act	2nd Reading 08/04/76
	224	An Act to Amend the Ombudsman Act	1st Reading 19/03/76
British Columbia		<u>Government Bills</u>	
	22	Railway Operation Continuation Act	1st Reading 04/05/76

Index of Bills - Jan. 1, 1976 - May 31, 1976

Legislature	Bill No.	Title	Disposition
Manitoba		<u>Government Bills</u>	
	14	An Act to Amend the Employment Standards Act	2nd Reading 19/03/76
	15	An Act to Amend the Vacations with Pay Act	2nd Reading 18/03/76
	16	An Act to Amend the Workers' Compensation Act	2nd Reading 23/03/76
	23	The Pesticides and Fertilizers Control Act	3rd Reading 17/05/76
	57	An Act to Amend the Labour Relations Act	1st Reading 12/04/76
	58	An Act to Amend the Public Schools Act	Royal Assent 06/06/75
	62	An Act to Amend the Human Rights Act	2nd Reading 31/05/76
	64	An Act to Amend the Civil Service Act	2nd Reading 17/05/76
	83	The Workplace Safety and Health Act	1st Reading 25/05/76
	85	An Act to Amend the Employment Standards Act(2)	1st Reading 25/05/76
	89	The Statute Law Amendment Act, 1976	1st Reading 31/05/76
New Brunswick		<u>Government Bills</u>	
	10	Boiler and Pressure Vessel Act	Royal Assent 14/04/76
	11	Electrical Installation and Inspection Act	Royal Assent 14/04/76
	14	An Act to Amend the Schools Act	Royal Assent 13/06/75
	26	An Act to Amend the Vacation Pay Act	2nd Reading 06/04/76

Index of Bills - Jan. 1, 1976 - May 31, 1976

Legislature	Bill No.	Title	Disposition
New Brunswick (continued)		<u>Government Bills</u>	
	27	An Act to Amend the Industrial Standards Act	2nd Reading 06/04/76
	35	An Act to Amend the Closing of Retail Establishments Act	Royal Assent 14/04/76
	96	An Act to Amend the Workmen's Compensation Act	Royal Assent 17/12/75
	97	An Act to Amend the Fire Prevention Act	Royal Assent 17/12/75
	103	An Act to Amend the Stationary Engineers Act	Royal Assent 17/12/75
Newfoundland		<u>Government Bills</u>	
	11	An Act to further Amend the Minimum Wage Act	2nd Reading N.A.
	17	An Act further to Amend the Child Welfare Act	1st Reading N.A.
	44	An Act further to Amend the Workmen's Compensation Act	Royal Assent 25/06/75
	66	An Act to Amend the Regulation of Mines Act	Royal Assent 25/06/75
	72	An Act to Amend the Newfoundland Engineering Profession Act	Royal Assent 25/06/75
	80	An Act to Amend the Newfoundland Teacher (Collective Bargaining) Act, 1973	Royal Assent 25/06/75
Nova Scotia		<u>Government Bills</u>	
	10	An Act to Revise Chapter 107 of the Revised Statutes, 1967, the Fire Prevention Act	Royal Assent 20/05/76

Index of Bills - Jan. 1, 1976 - May 31, 1976

Legislature	Bill No.	Title	Disposition
Nova Scotia (continued)	<u>Government Bills</u>		
	74	An Act to Amend Chapter 10 of the Acts of 1972, the Labour Standards Code	Royal Assent 20/05/76
	117	An Act to Amend the Education Act	Royal Assent 27/03/75
	124	An Act to Amend Chapter 343 of the Revised Statutes, 1967, the Workmen's Compensation Act	Royal Assent 20/05/76
	159	An Act to Amend Chapter 255 of the Revised Statutes, 1967, the Public Service Act	Royal Assent 13/12/75
	195	An Act to Amend Chapter 6 of the Acts of 1973, the Environmental Protection Act	Royal Assent 13/12/75
	199	An Act to Amend Chapter 65 of the Acts of 1968, the Workmen's Compensation Act	Royal Assent 13/12/75
	<u>Private Members' Bills</u>		
	3	An Act to Repeal Section 159N of the Revised Statutes 1967, the Workmen's Compensation Act	1st Reading 25/02/76
	28	An Act to Amend Chapter 343 of the Revised Statutes, 1967, the Workmen's Compensation Act	1st Reading 09/03/76
	38	An Act to Amend Chapter 136 of the Acts of 1973, An Act to Incorporate the Nova Scotia Government Employees' Association	Royal Assent 20/05/76
	48	An Act to Amend Chapter 34 of the Revised Statutes, 1967, the Civil Service Act	1st Reading 25/03/76

Index of Bills - Jan. 1, 1976 - May 31, 1976

Legislature	Bill No.	Title	Disposition
Nova Scotia (continued)		<u>Private Members' Bills</u>	
	58	An Act to Amend Chapter 19 of the Acts of 1972, the Trade Union Act	1st Reading 29/03/76
	63	An Act to Amend Chapter 11 of the Acts of 1969, the Human Rights Act	1st Reading 31/03/76
	130	An Act to Amend Chapter 109 of the Acts of 1968, the Teaching Profession Act	Royal Assent 20/05/76
Ontario		<u>Government Bills</u>	
	1	An Act respecting the Metropolitan Toronto Boards of Education and Teachers Dispute	Royal Assent 16/01/76
	2	An Act respecting The Kirkland Board of Education and Teachers Dispute	Royal Assent 11/03/76
	13	An Act to provide for Certain Rights for Blind Persons	Royal Assent 14/04/76
	51	An Act respecting The Central Algoma Board of Education and Teachers Dispute	Royal Assent 14/04/76
	52	An Act respecting The Sault Ste Marie Board of Education and Teachers Dispute	Royal Assent 14/04/76
	75	An Act respecting The Board of Education for the City of Windsor and Teachers Dispute	Royal Assent 07/05/76
	87	An Act to Amend The Education Act, 1974	1st Reading 18/05/76

Index of Bills - Jan. 1, 1976 - May 31, 1976

Legislature	Bill No.	Title	Disposition
Ontario (continued)	<u>Private Members' Bills</u>		
	21	An Act to Amend The School Boards and Teachers Collective Negotiations Act, 1975	1st Reading 12/03/76
	23	An Act to Amend the Ontario Human Rights Code	1st Reading 15/03/76
	24	An Act relating to the Installation of Automatic Fire Extinguishing Systems in Buildings	1st Reading 16/03/76
	30	An Act to Amend the Labour Relations Act	1st Reading 18/03/76
	32	An Act to provide for the Establishment of Safety Committees	1st Reading 18/03/76
	65	An Act to provide for the Appointment of a Labour Ombudsman	1st Reading 27/04/76
	66	An Act to Amend the Ontario Human Rights Code	1st Reading 27/04/76
	67	An Act to establish The Ontario Bill of Rights	1st Reading 27/04/76
	71	An Act to Amend the Employment Standards Act, 1974	1st Reading 30/04/76
	73	An Act respecting Simcoe Day	1st Reading 04/05/76
	79	An Act to Amend The Ontario Human Rights Code	1st Reading 06/05/76
	92	An Act for the Promotion and Protection of the Health and Safety of Persons Engaged in Occupations	1st Reading 27/05/76

Index of Bills - Jan. 1, 1976 - May 31, 1976

Legislature	Bill No.	Title	Disposition
Prince Edward Island	<u>Government Bills</u>		
	14	An Act to Amend the Workmen's Compensation Act	Royal Assent 22/04/76
	58	Human Rights Act	Royal Assent 12/12/75
	68	Provincial Building Code Act	1st Reading 27/05/75
Québec	<u>Government Bills</u>		
	8	An Act to Amend the Professional Syndicates Act	Royal Assent 09/04/76
	23	An Act respecting the maintaining of services in the sector of education and repealing a certain legislative provision	Royal Assent 09/04/76
	65	An Act to Amend the Workmen's Compensation Act	Royal Assent 19/12/75
	192	An Act to incorporate the Association of Building Contractors of Québec	Royal Assent 14/04/76
	<u>Private Members' Bills</u>		
	193	An Act to Amend the Labour Code	1st Reading 25/05/76
Saskatchewan	<u>Government Bills</u>		
	5	An Act to Amend the Fire Prevention Act	1st Reading 24/11/75
	16	An Act to Amend the Fire Prevention Act	Royal Assent 27/04/76
	56	An Act to Amend The Saskatchewan Bill of Rights Act	1st Reading 19/04/76

Index of Bills - Jan. 1, 1976 - May 31, 1976

Legislature	Bill No.	Title	Disposition
Saskatchewan (continued)	<u>Government Bills</u>		
	65	An Act respecting Annual Holidays, Hours of Work, Minimum Wages and Other Employment Standards	1st Reading 27/04/76
	76	An Act to Amend The Ombudsman Act, 1972	Royal Assent 07/05/76
Yukon	<u>Private Members' Bills</u>		
	20	An Ordinance to Amend the Labour Standards Ordinance	Royal Assent 15/12/75

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LEGISLATIVE REVIEW

NUMBER 8
DECEMBER 31, 1976



Labour
Canada

Travail
Canada

LEGISLATIVE REVIEW

NUMBER 8
DECEMBER 31, 1976

Labour Canada
Legislative Analysis

Hon. John Munro, Minister
T.M. Eberlee, Deputy Minister

Foreword

The Legislative Review is a semi-annual report which describes labour legislation and pertinent regulations enacted by the federal, provincial and territorial governments.

Issue No. 8 covers the period from June 1, 1976 to December 31, 1976. It sets out enactments in the fields of apprenticeship and tradesmen's qualifications, employment standards, human rights, industrial relations, industrial safety and health, and workers' compensation.

The present issue is co-authored by Michel Gauvin, Bill Langford, Nicole Marchand, Cal McKerral and Allan Nodwell.

Editing and production were supervised by Cal McKerral.

J.P. Whitridge,
Director,
Library and Information Services.

LEGISLATIVE REVIEW

June 1, 1976 - December 31, 1976

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I. APPRENTICESHIP

1. Alberta declared its new Manpower Development Act in force on November 1, 1976.
2. The Act consists of five parts.
3. Part One assigns to the Minister of Advanced Education and Manpower the responsibility for, and duty to, provide manpower programs and services, as well as responsibility for programs and services relating to immigration to Alberta.
4. The Minister is also empowered to make agreements with the Governments of Canada, the provinces, territories, or municipal corporation, agency, organization or other person, relating to demographic matters and to immigration programs and services.
5. Part Two of the Act deals with administration.
6. A Director of Apprenticeship and Trade Certification is provided for, as is a board called the Alberta Apprenticeship and Trade Certification Board.
7. The Board consists of a chairman, at least three members representing employers, at least three representing employees, and an alternate for each of these groups. Additional representatives of the general public are also provided for.
8. It is the duty of the Board to advise the Minister on all matters affecting the general conditions governing trade training and certification of workers in designated trades.
9. The Board may appoint a Local Advisory Committee for any designated trade in any area of Alberta where activity in that trade is substantial. These boards would consist of a chairman, plus one employee representative and one employer representative.
10. The Board must appoint a Provincial Advisory Committee for each designated trade. A committee consists of the Director, who acts as chairman, the Local Advisory Committee members for that trade, and additional members appointed by the Board on the recommendation of the Director.
11. A Provincial Advisory Committee exists to make recommendations to the Board with respect to any matters pertaining to apprenticeship or other trade training, trade regulations, programs of training, certification requirements. It must also develop and approve policies of accreditation where training programs in other training programs can be shown to meet the skill and knowledge requirements of a specific apprenticeship program.

12. The Director or his representative are empowered to enter upon any place at any reasonable time for the purpose of performing any duty assigned under the authority of Part Two. An employer may be required to disclose payroll records, job classifications, the kind of work or qualifications of any of his employees who are or may be working in a designated trade.
13. The Board also hears appeals from any person affected by a decision or order of the Director. The time limit for appeal is 30 days from the time the order was made.
14. Part Three of the Act deals with training and certification of workers engaged in trades.
15. The Lieutenant-Governor-in-Council is empowered to designate trades to which the Act applies. A petition need not be received, although specific rules of procedure to be followed in the case where a petition is received, are included in the Act.
16. To be engaged in a designated trade a person must be a journeyman, an apprentice (or have applied for apprenticeship status), or hold a special authorization from the Director.
17. Every apprenticeship contract must follow a specified form, and be signed by the apprentice, the employer, and the Director.
18. The Director may allow credits to an employee for previous training and experience. The Director may also terminate an apprenticeship contract (i.e., for contravention of the Act or regulations, breach of contract, voluntary agreement between apprentice and employer, or upon recommendation of the Local Advisory Committee. The Director may also arrange for transfer of the contract to another employer.
19. Trades can be "voluntarily certified". That is, whether by petition and investigation or not, the Minister may designate trades, and the Director, upon the advice or recommendation of the Local Advisory Committee, may issue certificates to persons judged, at that time, through experience and general competence, to be skilled in a trade.
20. "Compulsory certification" is also provided for. That is, the Lieutenant-Governor-in-Council may, whether by petition and investigation or not, designate trades.
21. When this type of designation is made, those working in that trade must, within one year after the designation comes into force, apply to the Director for a Certificate of Proficiency. A certificate may be issued after examinations are held, but may be issued without examination if certain criteria (i.e., person holds certificate of Completion of Apprenticeship, holds Certificate of Qualification, satisfies Director and Local Advisory Committee or examination committee that he is competent and has been employed in the trade for a specified time) are fulfilled.

22. The Director is empowered to cancel or suspend any Certificate of Proficiency where he is satisfied that the holder has contravened the Act or regulations or for any other cause he considers sufficient.
23. Penalties for contravention of Part Three of the Act are a maximum of \$1,000 for a first offence, and a maximum of \$2,000 for a second offence.
24. Part Four of the Act provides for a Manpower Advisory Council (six members representing the general public interest, a chairman, and any other members recommended by the Minister to serve ex officio).
25. The Council's purpose is to review goals and needs of manpower and manpower development, and advise and make policy recommendations to the Minister.
26. The Manpower Development Act amends the Licencing of Trades and Businesses Act, and repeals the Apprenticeship Act, the Tradesmen's Qualification Act, and the Welding Act. Any reference to these last three Acts in statute or regulation or any other instrument is now deemed to be a reference to the Manpower Development Act.

II. EMPLOYMENT STANDARDS

Payroll Records

27. In Manitoba it is now mandatory to record the name, last known address and occupation of each employee.
28. The Northwest Territories in amending the Labour Standards Ordinance brought in the maintenance of payroll records as an obligation.
29. An employer shall maintain in each place of business operated by him in the Territories, a time and correct record of the following particulars in respect of each employee at or in connection with that place of business:
 - (1) (a) the hours worked or on duty each day;
 - (b) the gross wages and the wage payments made;
 - (c) name, age and residential address;
 - (d) the date of commencement of the present term of employment and the anniversary date thereof;
 - (e) the wage rate, the date and the particulars of each change;
 - (f) each annual vacation granted, showing
 - (i) the dates of commencement and completion,
 - (ii) the period of employment covered by the annual vacation, and
 - (iii) the amount of vacation pay given;
 - (g) the amount of money paid in lieu of vacation with pay upon the termination of employment;
 - (h) the amount of money paid for general holidays under the Ordinance;
 - (i) the amount of each deduction from the earnings of the employee and the purpose for which the deduction was made;
 - (j) a copy of any notice of termination of employment;

- (k) the amount of money paid in lieu of notice of termination of employment; but an employer may, with the consent of the Labour Standards Officer, maintain the records in whole or in part at his principal place of business in the Territories or at such other place as he may designate.

(2) records shall be made daily;

(3) they shall be retained for not less than two years;

(4) records must be produced within a reasonable time upon written request of the Labour Standards Officer.

- 30. In Saskatchewan, when making payment of wage adjustments, an employer shall deliver to every employee a regular statement of earnings.

Hours of Work

- 31. The Alberta Board of Industrial Relations Order No. 58 (1973) governing hours of work and minimum wages in the sugar beet industry has been rescinded.
- 32. An amendment to the New Brunswick Minimum Employment Standards Act has set the maximum hours of work for employees (previously female employees) under 18 years of age at 9 hours per day and 48 hours per week.
- 33. In Newfoundland, a person shall not employ a child under the age of 16 years between the hours of 10 (was 9) o'clock in the evening of one day and 7(8) o'clock in the morning of the following day.
- 34. The Northwest Territories now base standard working hours on 176 hours in four consecutive weeks instead of 191 hours in a calendar month, likewise maximum hours are based on 216 hours in four consecutive weeks instead of 234 hours in a calendar month.

Overtime

- 35. Effective August 1, 1976, in British Columbia, excess hours shall be paid at the rate of \$4.50 for each of the first 3 hours worked in excess of 8 in any one day and \$6.00 for each hour after 11 hours. The rate of \$4.50 for each of the first 8 hours worked in excess of 40 in any one week and \$6.00 for each hour worked in excess of 48 in any one week, excluding hours worked in excess of 8 in any one day, shall likewise be paid.

Public Holidays

- 36. In Manitoba, construction industry employees shall be paid four per cent of their total gross wages as general holiday pay.

37. New Brunswick stipulates that a payment of 3 per cent of gross pay is equivalent to the public holiday benefits. Further, to be eligible for public holidays, an employee must have been in the employ of his present employer for at least 90 days during the previous 12 calendar months immediately preceding a public holiday.
38. The Northwest Territories has added the first Monday in August for a ninth general holiday.

Paid Vacation

39. Manitoba now provides that an employee must work at least 50 per cent of the regular working hours in each of four years in the preceding ten years to be entitled to three weeks for each year of service subsequent to the fourth year.
40. In the Northwest Territories every employee is entitled, after each year of employment with any one employer, after five years, whether or not that period of employment is made up of continuous years of employment or of years of employment accumulated within the past ten years, to an annual vacation with pay of three weeks. Employment prior to the coming into force of this section shall be included in connecting years of employment.

Maternity Leave

41. In Alberta, effective January 1, 1977, an employee who is pregnant and has been employed by her employer at least 12 months is entitled to maternity leave without pay for any period between
- 12 weeks before the estimated date of delivery of the child, and
 - 6 weeks after the actual date of delivery of the child.
42. The pregnant employee shall give two weeks' notice in writing of her commencement of maternity leave together with a medical certificate certifying pregnancy and the estimated date of delivery.
43. The six week post-natal period may be shortened with the consent of a doctor.
44. An employee who has not provided the two weeks' notice may qualify for maternity leave upon the production of the required medical certificate.
45. A further period of three weeks may be granted if an employee is unable to return to work due to medical conditions arising following the delivery. A medical certificate must be produced.
46. An employee shall give two weeks' notice in writing of the day on which she intends to resume employment and she shall be reinstated in her former position or in comparable work at the same pay and accrued benefits.

47. The employer is not required to reinstate the employee until the expiration of the two weeks' notice.
48. If the employee has suspended or discontinued operations in part or full and these operations have not resumed upon expiration of the maternity leave, the employer shall, upon resumption of operations,
- (a) reinstate the employee in her former position at not less than the same wages and accrued benefits, or
 - (b) provide her with comparable alternative work.
49. The above obligation extends for a period of 12 months from the expiration date of the employee's maternity leave.
50. Where the pregnancy of an employee interferes with the performance of the employee's duties, the employer may by notice in writing to the employee, require the employee to commence maternity leave.
51. In New Brunswick, an employer shall not refuse to employ a female person who is pregnant for reasons of her pregnancy only. An employer shall permit a female employee to be absent from her work during a period of 17 weeks. This period for pregnancy is now flexible.
52. Saskatchewan now provides for a maximum of 18 weeks' maternity leave without pay after 12 months of continuous employment and under certain conditions. All benefits and the return of the employee to a similar job are protected.

Payment of Wages

53. British Columbia has brought forth an amendment changing the three thousand dollar limit recoverable by means of a certificate to the amount "equal to or less than the monetary jurisdiction of the County Courts".
54. New Brunswick has increased the statute of limitations under the Minimum Wage Act from six months to one year.
55. In the Northwest Territories, the Labour Standards Officer may make a certificate setting out wages payable. If the Board upholds said certificate, it may register same with the Clerk of the Court and it becomes enforceable as a judgement of the Court.

Equal Pay

56. In New Brunswick, the Female Employees Fair Remuneration Act is repealed.

Crown Employees

57. The New Brunswick Minimum Employment Standards Act now applies to the Crown with some exclusions as may be defined by regulation.

Administration

58. In British Columbia, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, has charged the Minister of Labour with the administration of the Public Construction Fair Wages Act.

Labour Standards Board

59. The Northwest Territories has established Labour Standards Board which shall consist of five members, including a chairman appointed by the Commissioner to hold office for a term not exceeding five years and members of the Board may be reappointed.
60. The members shall be paid a per diem allowance and expenses as prescribed by regulation.
61. Any employer or employee aggrieved by a decision or order of the Labour Standards Officer may appeal to the Board, and the Board's decision on the matter is final.
62. Three members of the Board constitute a quorum.
63. The Board shall sit at such times and conduct its proceedings in such manner as it considers most satisfactory for the proper discharge of its business.
64. The Board shall hear appeals from any decision or order of the L.S.O. and shall perform such other functions as are assigned to it by the Ordinance or the Regulations.

Minimum Wages

65. In Manitoba, effective July 1, 1976, the salaries for employees in the Construction Industry Outside Greater Winnipeg and not on Major Building Projects will vary between \$3.00 per hour for students to \$8.90 per hour for journeymen plumbers, steamfitters and welders. The hours will vary between 40 and 45 hours per week.
66. In addition, effective July 1, 1976, the wages for employees in the Construction Industry in Greater Winnipeg and on Major Building Projects located anywhere within the Province of Manitoba will vary between \$6.70 per hour for labourers and \$9.70 per hour for plumbers, steamfitters and welders. The rates will move upward to \$7.46 per hour for labourers on October 1, 1976 to \$10.70 per hour for plumbers, steamfitters and welders on November 1, 1976. Hours of work vary between 40 and 44 hours per week.
67. Minimum wage rates in the province will rise, effective September 1, 1976, to \$2.95 per hour for workers 18 years and older. On the same date, employees 17 years and under will receive \$2.70 per hour.

68. Nova Scotia raised its minimum rate to \$2.75 per hour on January 1, 1977 for employees 18 years and over. Employees under 18 years of age and inexperienced employees will rise to \$2.50 on the same date.

69. Maximum allowable rates for board and lodging are as follows:

- board and lodging	\$26.00
- board only	\$20.00
- lodging only	\$ 6.00
- single meals	\$ 1.15

Beauty parlour rates are as follows:

- experienced employees	\$2.75
- 1st 3 months	\$1.90
- 2nd 3 months	\$2.20
- 3rd 3 months	\$2.50

Road Building and Heavy Construction

Every employee	\$2.75
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Logging and Forest Operators

(a) time workers	\$2.75
(b) persons who have no fixed work week, whose hours of work are unverifiable including camp, gate and dam guardians, cook and kitchen employees, stablemen, watchmen, fire rangers and wardens	\$540. per month

70. On January 1, 1977, Québec's minimum wage will rise to \$3.00 per hour and to \$2.80 for employees under 18. Employees working in hotel trade establishments and who usually receive gratuities are entitled to \$2.65 per hour and \$2.45 per hour for employees under 18.

71. Amendments to Ordinance No. 9. Forestry Operations brought forth the following changes on July 1, 1976 and January 1, 1977:

- (a) woodcutters paid on a piece-work basis are entitled for each working day during a calendar month to an average rate of \$30.10 per day and \$31.50 per day, respectively,
- (b) other employees hired on a contract basis: cooks, kitchen-helpers, fire ranger: \$25.95 per day and \$27.15 per day,
- (c) watchmen \$23.95 per day and \$25 per day,
- (d) other employees \$2.87 per hour and \$3.00 per hour.

72. Ordinance No. 13, Public Works was also amended on the same above dates with the wage schedule varying from \$2.87 and \$3.00 per hour for a watchman to \$4.71 and \$4.92 per hour for a carpenter-joiner.
73. Ordinance No. 14, Retail Food Trade was amended effective January 1, 1977. Salaries in Region I vary between \$2.61 per hour for a person under 18 years to \$3.72 per hour for a butcher.
74. Effective January 1, 1977, Saskatchewan raised its minimum wage rate to \$3.00 per hour. Reporting pay was set at a minimum \$9.00 and rest periods are to be considered as time worked.
75. General Hourly Minimum Wage Rates for Adult and Young Workers (as of December 31, 1976):

1. Federal

Effective April 1, 1976

Employees 17 and over	\$2.90
Employees under 17	\$2.65

2. Alberta

Effective March 1, 1976

Employees 18 and over	\$2.75
Employees under 18	\$2.60
Students under 18 employed on a part-time basis	\$2.25

3. British Columbia

Effective June 1, 1976

Employees 18 and over	\$3.00
Employees 17 and under	\$2.60

4. Manitoba

Effective October 1, 1975

Employees 18 and over	\$2.60
Employees under 18	\$2.35

Effective September 1, 1976

Employees 18 and over	\$2.95
Employees under 18	\$2.70

5. New Brunswick

Effective June 1, 1976

General Rates	\$2.55
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Effective November 1, 1976

General Rates	\$2.80
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6. Newfoundland

Effective January 1, 1976

Employees over 16	\$2.50
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7. Nova Scotia

Effective January 1, 1976

Employees 18 and over	\$2.50
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Underage employees 14-18	\$2.25
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Inexperienced employees	\$2.25
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Effective January 1, 1977

Employees 18 and over	\$2.75
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Underage employees 14-18	\$2.50
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Inexperienced employees	\$2.50
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8. Ontario

Effective March 15, 1976

General rates	\$2.65
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Learners (1st month of employment)	\$2.55
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Students under 18, employed less than 28 hours per week or during a school holiday	\$2.15
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9. Prince Edward Island

Effective July 1, 1976

Employees 18 and over	\$2.50
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Employees under 18	\$2.20
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10. Québec

Effective July 1, 1976

Employees 18 and over	\$2.87
Employees under 18	\$2.67

Effective January 1, 1977

Employees 18 and over	\$3.00
Employees under 18	\$2.80

11. Saskatchewan

Effective January 1, 1976

General rates	\$2.80
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Effective January 1, 1977

General rates	\$3.00
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12. Northwest Territories

Effective June 7, 1976

Employees 17 and over	\$3.00
Employees under 17	\$2.55

13. Yukon Territory

Effective April 1, 1976

General rates	\$3.00
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III. HUMAN RIGHTS

76. On November 29, 1976, Federal Justice Minister Ron Basford introduced Bill C-25, the Canadian Human Rights Act.
77. The Bill, a substantially revised version of its predecessor, Bill C-72, prohibits discriminatory practices and provides individuals with rights of access to and control over the use of personal information about them that the federal government uses for administration purposes.
78. The Bill also contains provisions designed to restrain the Government's own information gathering activities.
79. Anti-discrimination provisions of the Bill would make race, national or ethnic origin, colour, religion, age, sex, marital status, physical handicap and a conviction for which a pardon has been granted, grounds upon which discrimination is prohibited.
80. The prohibitions would cover all federal departments and agencies and any business or industry under federal jurisdiction (i.e., chartered banks, airlines, railways, etc.).
81. The activities to which the prohibitions would apply are:
 - provision of services, facilities or accommodation generally available to the public;
 - provision of commercial premises or residential accommodation;
 - provision of jobs, pay and promotions and their advertisement.
82. The Act would also ban the transmission of hate messages by telephone. Any person or group of persons in contravention of this provision would be subject to a cease and desist order. Failure to comply would become grounds for contempt of court, penalties for which are up to one year in jail or a fine not exceeding \$5,000.
83. The equal pay for equal work formula in Bill C-72 was changed and now equal work is defined as work of equal value. This change reflects the view that "work of equal value" affords a greater degree of protection against sex discrimination in the workplace.
84. A Human Rights Commission would be established in order to enforce the Act. The Commission would consist of a minimum of five and a maximum of eight members appointed by the Governor-in-Council.
85. Removal of a member from the Commission would require an address to the House of Commons and the Senate.

86. The Commission could not only investigate complaints but could initiate them also. It could appoint expert tribunals to adjudicate in anti-discrimination cases.
87. The tribunals would be empowered to issue enforceable orders. Failure to comply with such an order could become grounds for contempt of court.
88. The Commission would also be empowered to carry out public educational activities.
89. Manitoba amended its Human Rights Act. "Age", "source of income", and "family status" are added to the anti-discriminatory grounds in the display of any notice, sign, symbol, emblem or other representation. Also, the prohibition extends beyond discrimination and now includes exposing or tending to expose a person to hatred.
90. Public accommodation, facilities, etc., must not be denied to any person unless reasonable cause for denial or discrimination exist. Reasonable cause does not include the race, nationality, religion, colour, sex, age, marital status, or ethnic or national origin of a person. Sex can be a reasonable cause if it relates to public decency.
91. In accordance with the law, refusal of any public accommodation, service, etc., is permitted where a person under the age of majority is not entitled to use the accommodation, service, etc., in question.
92. Family status and marital status are added to the grounds upon which occupancy of commercial or housing units cannot be denied.
93. "Family status" is now a prohibited ground for discrimination in employment and employment-related activities, and "political belief" and "family status" are added grounds in advertising for employment, pre-employment enquiries, and activities of employment agencies.
94. Distinctions on the basis of age, sex, family status or marital status can be made in the case of any employee benefit plan or any contract which provides such a plan if the Commission is satisfied that the distinctions are not discriminatory. Distinctions can also be made regarding life insurance, accident and sickness insurance, and certain annuities where the distinctions are not discriminatory and the insurance or annuity could not be provided without the distinction being made.
95. The Human Rights Commission has three options after having investigated a complaint. It may request the Minister to appoint a Board of Adjudication to hear and decide the complaint; it may endeavour to effect a settlement and failing settlement may request the Minister to appoint a Board of Adjudication; or it may recommend that the Minister commence a prosecution for an offence under the Act.

96. For purposes of investigation, the Executive Director, any person with the Executive Director's written authorization, or the Board of Adjudication have access during normal business hours to any land, residence or business premises of any person with respect to whom there is reasonable and probable grounds to believe that such access will assist the investigation of the complaint.
97. Inspection of specific documents, correspondence and records relevant to the complaint may be inspected and copies or extracts may be made.
98. Where access is denied, ex parte application to a County Court or Provincial Judges Court may be made for an order granting access.
99. Subject to appeal to the Court of Queen's Bench, the Board of Adjudication has exclusive jurisdiction and authority to determine any question of fact or law regarding whether or not the Act has been contravened, or for the making of any order pursuant to a decision rendered.
100. Where the Board of Adjudication decides that a party has contravened any provision of the Act, it may; make an order to secure compliance, order the offending party to make compensation to the aggrieved for lost income or expenses incurred by reason of contravention of the Act, or it may order the offending party to pay a penalty or exemplary damages to compensate for suffered damages in respect of the feelings or self-respect of the aggrieved.
101. The Board of Adjudication may file its order with the Court of Queen's Bench. Such filing causes the order to become a judgement of that Court. Previously, only that part of an order directing payment of lost wages could become a judgement of the Court.
102. An order cannot be filed with the Court until appeal procedures have expired.
103. "Political belief" and "family status" are added to the list of grounds, the contravention or attempted contravention of which, can be cause for an injunction to be issued by the Court of Queen's Bench for restraint.
104. New Brunswick amended its Human Rights Act to add "physical disability" as a ground upon which discrimination is prohibited.
105. The New Brunswick Ombudsman Act was also amended to extend the jurisdiction of the Ombudsman to municipalities.
106. Also, the Ombudsman is protected against being prosecuted or being compelled to testify in any matter coming to his knowledge in the exercise of his functions, whether or not he was acting within his jurisdiction, unless it can be shown that the Ombudsman acted in bad faith.

107. The Ombudsman is denied the right to investigate until a statutory right of appeal or review, where it exists, has been exercised.
108. On June 30, 1976, Quebec gave assent to Bill 56, which amends the Charter of Human Rights and Freedoms.
109. The Bill provides that sections 11 (discriminatory publications), 13 (discriminatory clauses in juridical acts), 16 (discrimination in employment), 17 (discrimination by occupational associations) and 19 (equal pay) do not apply to pension plans, life insurance plans or any other plan or scheme of social benefits unless the discrimination is founded on race, colour, religion, political convictions, language, ethnic or national origin or social condition.
110. The new provisions have effect from June 27, 1975 until a date determined by proclamation of the Lieutenant-Governor-in-Council.

IV. INDUSTRIAL RELATIONS

A. General

111. The last issue (No. 7) of the Legislative Review reported on Manitoba's Bill 57 amending the Labour Relations Act; at that time, (May 31, 1976) the Bill stood at first reading and was subsequently changed in Committee. The Act has been proclaimed, to take effect December 1, 1976. At the same time, revised rules of procedure and practice became effective (Man. Reg.-223/76). The changes include the following:

Restrictions on Applications for Certification

112. The clause stating that where a collective agreement is in force, no application for certification as bargaining agent for employees in the unit shall be made by another union (among other stipulations) where the collective agreement is for a term of less than 18 months, etc., now reads "for a term of 18 months or less". The same applies to the similar clause concerning restrictions on applications for decertification.

Where Board May Order Vote

113. The Board will direct that a vote be taken to determine the wishes of the employees in the unit as to the selection of a bargaining agent to act on their behalf where an employee makes an application to the Board to cancel certification or terminate the bargaining rights of the bargaining agent. The Committee change adds that the Board must be satisfied that more than 50 per cent of the employees in the unit support the application.

Exemptions for Religious Groups

114. Where a union that is a bargaining agent for a unit of employees in respect of which there is a collective agreement is satisfied that an employee in the unit is a member of a religious group which has as one of its articles of faith the belief that members of the group are precluded from being members of or financially supporting any union or professional association, the union may, on such terms as it and the employee may agree upon, exempt the employee from any obligation to pay the regular membership dues payable by a member of the union and, upon the employee being so exempted, the union ceases to be obligated in any way to represent or act for or on behalf of the employee and, in that case, if the employer complies with terms and conditions, if any, agreed upon by the union and the employee with respect to the deduction and remittance of equivalent amounts from the wages of the employee, the employer is not in breach of any provision of the collective agreement that requires the deduction of regular dues from the wages of the employee and the remittance thereof to the union by reason only of his failing to deduct the regular dues from the wages of the employee and remit them to the union.

Term of Code of Employment

115. A code of employment is effective for a year commencing on the date on which the request was made to prepare the code (previously, "the most recent increase in rate of wages or alteration in terms or condition became effective prior to the request....").
116. Also in Manitoba, an addition to the Queen's Bench Act defines a "public thoroughfare", while at the same time (June 11, Royal Assent) an addition to the Petty Trespasses Act lays down the rights of employees participating in a legal strike or lockout. The added items follow:

Definition

117. "Public thoroughfare" includes any walk, driveway, roadway, square and parking area provided outdoors at the site of and in conjunction with any business or undertaking and to which the public is normally admitted without fee or charge whether the walk, etc., is owned by the person carrying on the business or undertaking or by some other person or is publicly owned.

Where no Offence Under Act

118. Where all or some of the employees of an employer:

- are participating in a strike that is not prohibited by law; or
- are prevented from working by a lockout;

any person who, on any walk, driveway, roadway, square or parking area provided outdoors at the site of or in conjunction with the premises in which the employer conducts his business or undertaking and to which the public is normally admitted without fee or charge, communicates true statements, either orally or through printed material or through any other means, with respect to the strike or lockout, is not guilty of an offence under the Act whether the walk, etc., is owned by the employer or by any other person or is publicly owned.

119. The Labour Code of British Columbia Amendment Act came into force by Royal Assent June 30, 1976.

Interpretation

120. The definition of "picket" or "picketing" is expanded to change the reference from "employer's" to "person's".

Certification of Councils of Trade-unions

121. A reference to multi-employer certification is now included in these provisions.

Firefighters', Police or Hospital Unions

122. The Act has a 21-day cooling-off period in which strikes and lockouts are prohibited for these specified groups under certain conditions. The amendment increases the period to 40 days and extends the coverage to all trade-unions where strikes or lockouts may cause serious danger to life or health.

Pre-striking Vote and Notice

123. The amendment provides for regulations to deal with the supervision of strike votes and extends board jurisdiction over such supervision, including a declaration that the vote is of no force or effect. If another vote is conducted, the Board sets the terms.

Pre-lockout Vote and Notice

124. The amendment applies the same kind of conditions to lockouts as it does to strikes.

Declaratory Opinion

125. As before, the Board may issue a declaratory opinion, when a person complains that his employment, business, operations, or property is damaged by reason of an agreement or combination that substantially affects trade and commerce in relation to a commodity or service. The provision is substantially rewritten, primarily to include declarations by trade-unions on such matters. The Board is empowered to make such orders and take such steps as it considers advisable to enforce its declaratory opinion.

Summons to Testify

126. The chairman of an Arbitration Board is now authorized to act for the Board in summoning witnesses and ordering production of documents.
127. In Alberta, amendments to the Labour Act include the following:

Unfair Labour Practices

128. Employers and employees are barred from acts of intimidation with regard to testimony in any proceedings.

Strike or Lockout

129. Employers and employees' organizations may strike or lockout where one party accepts a conciliation report and the other party rejects it.

Proceedings

130. The responsibility of employees of the Board of Industrial Relations to give evidence in various proceedings is included in changes that clarify jurisdictional matters.

Certification Vote

131. The Board's power to direct a certification vote is made more clear.
132. Bill 75 - The Labour Relations Act was introduced in Newfoundland, proposing some important changes. The recommendations of the Report of the Royal Commission on Labour Legislation in Newfoundland and Labrador, 1972 (Maxwell Cohen), as well as submissions arising from consultation with labour and management, were considered before Bill 75 was brought forward proposing a number of important changes to existing legislation primarily intended to provide improved conciliation and labour relations procedures in dealing with labour disputes.
133. The Bill failed to receive third reading prior to adjournment June 11, 1976. Major amendments include the following:

Interpretation

134. "Arbitration Board" is defined as a board appointed under the Act or a collective agreement, including any other body selected by the parties to a collective agreement to settle any difference between them.
135. "Strike" now includes a slowdown of work or other concerted activity on the part of employees in relation to their work that is designed to restrict or limit output.

Exceptions

136. The Act does not apply to any employee in respect of whom collective bargaining may be conducted under:
- The Constabulary Act, 1970;
 - The Fishing Industry (Collective Bargaining) Act, 1971;
 - The Newfoundland Teacher (Collective Bargaining) Act, 1973;
 - The Public Service (Collective Bargaining) Act, 1973;
 - The St. John's Fire Department Act, 1972.

Voluntary Dispute Settlement

137. Where the parties decide to terminate a dispute by recourse to binding arbitration or to "final offer selection" or to any other means of achieving a collective agreement satisfactory to the parties, nothing in the Act may be construed to prevent them from reaching collective agreement by any of those means.

PART I - Labour Relations Board

Vice-Chairman

138. The Lieutenant-Governor-in-Council is now empowered to appoint one or more persons as vice-chairmen (previously one person).

Filling Vacancies

139. The Lieutenant-Governor-in-Council may appoint a person to serve the unexpired portion of the term of the person who creates a vacancy on the Board by his death, illness, resignation, removal or any other reason.

Incapacity or Absence of Chairman

140. The vice-chairman or another member of the Board designated by the Lieutenant-Governor-in-Council has and may exercise the powers of the chairman and shall perform his duties.

Seal

141. The Board to have an official seal to be approved by the Lieutenant-Governor-in-Council.

Use of Seal

142. Affixing of the official seal to be attested by the chief executive officer and by the person for the time being acting as secretary of the Board.

Chief Executive Officer

143. To be appointed by the Lieutenant-Governor-in-Council to hold office during pleasure.
144. Subject to the direction of the Board to exercise and perform the powers and duties conferred or imposed on him by or pursuant to the Act.

Panels

145. As before, panels may be established.

Jurisdiction

146. The panel determines in the first instance, subject to final determination by the chairman of the Board, when a question arises whether a matter is one referred to a panel.

Application of Rules and Regulations

147. When a panel deals with any matter referred to it, all rules and regulations made under the Act and applicable to the Board in similar circumstances apply, mutatis mutandis, to the panel.

Decisions

148. The decision of a panel on any matter referred to it is a decision of the Board.

Reasons in Writing

149. The Board and every panel to give reasons in writing for its decision in every matter that comes before it.

Reasons to be Filed

150. Every set of reasons to be filed with the secretary of the Board and copies furnished to the Minister and each of the parties.

Powers of the Board

151. Expanded powers of the Board include that during proceedings before it, the Board may:

- examine such evidence as is submitted to it respecting the membership of any employee in a trade-union seeking certification;
- examine documents forming or relating to the constitution or articles of association of
 - . a trade-union or council of trade-unions that is seeking certification, or
 - . any trade-union forming part of a council of trade-unions that is seeking certification;
- make such examination of records and such enquiries as it deems necessary;
- require an employer to post and keep posted in appropriate places any notice that the Board considers necessary to bring to the attention of any employee any matter relating to a proceeding;
- enter any premises of an employer where work is being done by employees and inspect and view any work, material, machinery, appliances or articles therein and interrogate any persons respecting any matter that is before the Board in a proceeding;
- enter upon an employer's premises for the purpose of conducting representation votes during working hours;
- authorize any person to examine records, make enquiries and enter employer's premises and report to the Board thereon;
- adjourn or postpone a proceeding from time to time;

- abridge or enlarge the time for instituting a proceeding or for doing any act, filing any document or presenting any evidence in connection with the proceeding;
- amend or permit the amendment of any document filed in connection with a proceeding by either party to a proceeding at any stage of it; and
- decide whether a person performs management functions or is employed in a confidential capacity in matters relating to labour relations.

Application of Orders

152. The Board, where empowered under the Act, may make or issue any order or decision, prescribe any term or condition or do any other thing in relation to any person or organization either generally or in any particular case or class of cases.

Filing of Orders in Supreme Court

153. Where a person, employer, employer's organizations, trade-union, council of trade-unions or employee has failed to comply with any order or decision of the Board, or a panel, any person or organization affected thereby may, after 14 days from the date on which the order or decision is made or the date provided in it for compliance, whichever date is the later, file in the Registry of the Supreme Court of Newfoundland a copy of the order or decision exclusive of the reasons therefor.

Registration of Order

154. The order is registered and has the same force and effect and all proceedings may be taken thereon, as if the order or decision was a judgement obtained in that Court.

Rules

155. Subject to the approval of the Lieutenant-Governor-in-Council, the Board may make rules of general application governing its procedure and that of panels:
- providing for the procedure of hearings;
 - providing for methods for determining appropriate units;
 - providing for the certification of trade unions as bargaining agents for units;
 - providing for the conduct of representation votes;

- providing for the hearing or determination of any application, complaint, question, dispute or difference that may be made or referred to the Board or a panel;
- prescribing the forms to be used in respect of any proceeding that may come before the Board or a panel;
- prescribing the form in which and the time as of which evidence as to
 - . the membership of any employee in a trade-union,
 - . any objection by employees to the certification of a trade-union, or
 - . any signification by employees that they no longer wish to be represented by a trade-unionare presented to the Board or a panel upon an application made to it under the Act;
- authorizing any person to act on behalf of the Board, and prescribing the matters and things to be done and the action to be taken by that person;
- providing for the delegation to the chief executive officer of the Board or other person designated by the Minister of the exercise or discharge of any of the powers and duties of the Board or a panel, subject to the conditions that such powers and duties be exercised or discharged under the direction and control of the Board or the panel, as the case may be;
- prescribing, where an application for certification in respect of a unit has been refused or the rights of a bargaining agent have been terminated the time when, subject to the Act, a further application may be made by that applicant in respect of the same unit; and
- making provision for such other matters and things as may be incidental or conducive to the proper performance of the duties of the Board or a panel under the Act.

PART II - Labour Rights and Practices

Unfair Labour Practices

Prohibitions Relating to Employers

156. As before, employers and persons acting on their behalf must not seek by intimidation, threat of dismissal or any other kind of threat, or by the imposition of a pecuniary or other penalty or by any other means to compel a person (was 'employee') to refrain from becoming or cease to be a member, officer or representative of a trade-union.

157. The prohibition is expanded and now applies to:

- testifying or otherwise participating in a proceeding;
- making a disclosure that may be required to be made in a proceeding;
- making an application or filing a complaint;
- exercising any other right;

under the Act or any other law.

158. In addition, no employer is to:

- discriminate against a person in regard to employment or conditions of employment; or
- suspend, discharge or impose any financial or other penalty on a person employed by him or take any other disciplinary action against such person, by reason of that person having become a member, officer or representative of a trade-union or having done any of the things referred to above.

Employees' Right to Membership in Trade-union

159. Every trade-union acting as a bargaining agent must make membership in that union available to all employees in the unit the union represents subject to compliance with prescribed reasonable and non-discriminatory qualifications for membership.

Complaint to Board

160. Where an employee claims that he has been unfairly denied admission to or expelled from a trade-union he may make a signed complaint in writing to the Board setting forth simply and clearly the grounds on which his complaint is based.

Hearing

161. The Board has every such complaint investigated, giving the trade-union and the employee concerned an opportunity to be heard and to cross-examine all witnesses not called by him.

Order of Board

162. The Board is empowered to dismiss the complaint or order that the employee be admitted to or reinstated in the union and may order further that the complainant be reinstated in his employment.

Access Order

163. Where the Board receives from a trade-union an application for an order granting an authorized representative of the trade-union access to employees living inside an isolated location on premises owned or controlled by their employer and determines that access to the employees:

- would be impracticable unless permitted on premises owned or controlled by their employer, and
- is reasonably required for purposes relating to soliciting union membership, the negotiation or administration of a collective agreement, the processing of a grievance or the provision to employees of a union service,

the Board may make an order granting the authorized representatives of the trade-union designated in the order access to the employees on the premises of their employer designated in the order.

Content of Order

164. The Board may, in such an order:

- specify the method of access to the employees, the times at which access is permitted and the period of its duration; and
- if transportation, food and lodging or any of those things are not available to the public, prescribe that any of them not so available are to be provided by the employer at the same cost as to other employees.

PART III - Organization of Parties for Collective Bargaining

Division 1 - Bargaining Agents and Units

Application for Certification

Time of Application

165. As before, where a collective agreement is in force an application for certification may be made, if the collective agreement is for a one-year term, after the expiration of ten months of the agreement.
166. Exceptions were made for "special projects". The amendment now specifies general conditions for applications for certification where the agreement is for a longer period:
- if the collective agreement is for two years, in the twenty-third and twenty-fourth months;
 - if the collective agreement is for a period longer than two years, in the twenty-third and twenty-fourth months and in the last two months of each subsequent year.

Council of Trade-unions

167. Where two or more trade-unions have formed a council of trade-unions, the council may apply to the Board for certification as a bargaining agent for a unit in the same manner as a trade-union.

Bargaining Agent and Units

Application for Certification of a Group of Employees

168. When application is made for certification of a unit of employees that is a sub-group of an existing unit, the Board has no power to find the sub-group appropriate unless:
- the sub-group meets the standards of appropriateness that the Board normally applies;
 - the applicant for certification has established a clear basis for mutuality in the sub-group distinct from the group as a whole;
 - the residual part of the existing unit would make itself an appropriate unit; and
 - the employees in the proposed unit, in a vote by secret ballot conducted by the Board, in which they expressed their preference for the sub-group or the larger existing unit, have favoured the sub-group by a two-thirds majority of those entitled to vote.

Unit Based on Professions, etc.

169. The Board may find appropriate a unit of professional employees of one or more professions and may include in such unit employees who do work that in the opinion of the Board is closely related to the work of the professional employees in the unit.

Unit Restricted to One Profession

170. If the Board deems it desirable to do so, professional employees may, on the request of the majority of them, be formed into a unit restricted to members of one profession and employees who do work closely related to the work of those professional employees.

Dependent Contractors

171. The Board may, upon the application of a trade-union, or a group of dependent contractors, vary a certification of a trade-union as a bargaining unit to include dependent contractors, if the Board is satisfied that:

- a majority of the dependent contractors consent to representation by the trade-unions; and
- reasonable procedures have been developed to integrate dependent contractors into the bargaining unit.

Such a dependent contractor is deemed to be an employee for the purposes of the Act.

Membership in Council

172. Where a council of trade-unions has been formed for the purpose of dealing with a special project, the Board may, on the petition of any trade-union other than those that form the council, order that the petitioning trade-union be included in the council as a member if that trade-union can satisfy the Board that it represents the employees of employers who are likely to be able to compete for contracts in the special project.

Requirements Relating to Council

173. A council of trade-unions that applies for certification as a bargaining agent must before the certification is granted satisfy the Board that the council has a constitution that was adopted with the concurrence of each of the trade-unions forming the council, and that the constitution contains:
- provisions authorizing the council to apply for certification, to negotiate and to enter into collective agreement;
 - provision for administration of collective agreements either by the council or its constituents;

- provision for the election or appointment of officers of the council; and
- a formula for reaching council decisions either by a simple majority vote or by weighing votes according to the number of employees represented or by some other means so that there is assurance that there will not be a deadlock in the council;

and the Board may defer the disposition of any application for certification by a council of trade-unions until these conditions have been fulfilled.

Definition of Unit in Terms of Geographic Area

174. When a trade-union or a council of trade-unions that according to trade-union practice represents employees in the construction industry applies for certification for a unit of employees of an employer by reference to a geographic area, the Board shall define the unit in terms of a geographic area and, if it does not find the proposed unit appropriate, it will issue to the applicant its reasons for rejection, indicating what unit it is prepared to find appropriate; and in that event the applicant is, notwithstanding anything to the contrary in the Act, eligible to make a further application without delay.

Taking of Votes

175. The Board may cause a representation vote to be held, in respect of any unit, and may cause a second vote to be taken in any case referred to below, wherever in the opinion of the Board it is desirable so to do.

Taking of Votes in Certain Cases

176. Where an application for certification is made by a trade-union, or a council of trade-unions, the chief executive officer of the Board shall, subject to the directions of the Board, conduct such investigation as in his opinion is necessary to enable him to make a report to the Board on the application; and where the chief executive officer is satisfied that the applicant has in its membership in good standing not less than 40 per cent and not more than 50 per cent of the employees in the unit, the chief executive officer shall cause a representation vote to be taken and report the result thereof to the Board, and in such case the vote shall be taken as soon as the actual percentage of membership is determined.

Secret Ballot

177. Every representation vote shall be taken by secret ballot and in accordance with the Board rules governing its procedure, and the ballots shall be held for counting until the investigation and hearings of the Board are completed.

Operative Date for Determining Support

178. In making any enquiry respecting an application for certification as a bargaining agent, the Board shall adhere to the date of the application as the operative date for determining support on the basis of membership records.

Condition Precedent

179. Previously, the consent of all of the employers was required for an application for certification for the employees of two or more employers. The consent of the majority is the new requirement.

Certification of Council of Trade-unions

180. The Board may certify a council of trade-unions as the bargaining agent for a unit where the Board is satisfied that:
- the requirements for certification prescribed by or pursuant to the Act have been met; and
 - each of the trade-unions forming the council has granted appropriate authority to the council to enable it to discharge the duties and responsibilities of a bargaining agent under the Act.

Membership in Council of Trade-unions

181. Membership in any trade-union that forms part of a council of trade-unions is deemed to be membership in the council.

Council of Trade-unions Bound by Collective Agreement

182. Where a council of trade-unions is certified by the Board as the bargaining agent for a unit:
- the council of trade-unions and each trade-union forming the council is bound by any collective agreement entered into by the council of trade-unions and the employer concerned; and
 - this applies, except as otherwise provided, as if the council of trade-unions were a trade-union.

Revocation of Certificate and Other Matters

Hearing on Request

183. As before, the Board, following an investigation and after a hearing, if requested by the party concerned may determine that a bargaining agent no longer represents a majority of employees in the unit for which it was certified or for which it acts as bargaining agent, and may revoke the certification or terminate the bargaining rights. The amendment provides that the Board shall hold a hearing within 30 days from the date when it receives the request.

Time for Dealing with Applications for Revocation

184. The Board is not required to accept or deal with any application to revoke the certification of a bargaining agent:
- within the period of 12 months (was six) immediately following the date of the certification of that bargaining agent;
 - within the period of six months (remains the same) immediately following the date when a previous application to revoke certification of that bargaining agent was refused, if a previous application was made; or
 - within the period of 12 months (was six) immediately following the date when that bargaining agent by notice required the employer to commence collective bargaining if such notice was given.

Dissolution of Council of Trade-unions

185. Where a council of trade-unions has been certified or voluntarily recognized, no resolution, by-law or other action by the constituent unions of the council to dissolve it or by a constituent union of such a council to withdraw from it, as the case may be, has effect unless a copy of the resolution, by-law or other action is delivered to the employer or employers' organization, and, in the case of a withdrawal, to the other constituent members and to the council.

Where Collective Agreement in Force

186. Where a certified council of trade-unions is dissolved or a constituent trade-union withdraws from a council and that council is a party to or is bound by a collective agreement, then the constituent unions in the case of dissolution or the constituent union in the case of withdrawal is bound by the collective agreement for its duration.

Division II Employers' Organizations

187. "Construction industry" is defined as the on-site constructing, erecting, altering, decorating, repairing, or demolishing of buildings, structures, roads, sewers, water mains, pipe lines, tunnels, shafts, bridges, wharves, piers, canals or other works.

Refusal or Termination of Membership

188. As before, the employers' organization could not deny membership to any employer for a reason other than refusal or failure to pay dues, assessments and initiation fees. The provision is expanded and such refusal or termination of membership is forbidden except for a cause fair and reasonable to the Board. The employers' organization must not charge, levy, or prescribe initiation fees, dues or assessments that in the opinion of the Board are unreasonable or discriminatory.

Lists of Employers to be Delivered

189. Where an employers' organization commences to bargain collectively with a bargaining agent it shall deliver to the Minister and to the bargaining agent:

- a list of the names and addresses of the employers on whose behalf it is authorized to bargain;
- a copy of each authorization given by an employer; and
- a list of the names and addresses of the persons designated as its bargaining committee,

and upon receipt by the Minister and the bargaining agent of the lists and authorizations, the employers' organization shall be deemed to be bargaining collectively for all the employers who gave their authorization.

Authorization

190. An authorization given by a Director or other senior official of the employer is deemed to be the employer's authorization.

List of Employees

191. Unless he gives notice to the Minister and the bargaining agent that an employers' organization no longer represents him and a period of 30 days after the giving of the notice has expired, each employer on the list furnished to the Minister is bound by a collective agreement entered into by the organization on his behalf.

Special Projects

192. The Board is authorized to exclude special projects from an accreditation order.

Division III Special Projects

Declaration

193. The Lieutenant-Governor-in-Council, where he considers it necessary or desirable may by proclamation declare any undertaking to be a special project.

Employers' Organization and Council of Trade-unions

194. The individuals, corporation or other legal entities having direction of the project are to organize all employers involved in the project for the purposes of joint bargaining, and the trade-unions seeking to represent employees involved in the project are to form a council of trade-unions so that the effective bargaining unit encompasses all jobs on the project.

PART IV - Collective Bargaining and Collective Agreements

Division I Collective Bargaining

Good Faith

195. Every trade-union, council of trade-unions, employer, employers' organization and every representative of any of them who conducts collective bargaining under the Act must bargain collectively in good faith.

Negotiation

196. The amendment adds a further requirement to the employer seeking to alter wage rates or other conditions of employment prior to the conclusion of a first agreement. As before, prior consent of the certified bargaining agent must be obtained and now the employer has to have the prior approval in writing of the Board.

Time Limit Where There is a Collective Agreement

197. Previously, if a renewal or revision of the agreement or a new collective agreement had not been concluded before the expiry of the term or termination of the collective agreement, the employer was forbidden to decrease wage rates or alter any other term or condition of employment without the consent of or on behalf of the employees affected. Now, both the prior approval of the Board in writing and the written consent of the bargaining agent are required.

Conciliation

Appointment of Mediator

198. Where the Minister receives a request to appoint a Conciliation Board, the Minister may, before making a decision, appoint any person within or outside the public service as a mediator.
199. The Minister may, at any time notice to commence bargaining has been given, appoint any person, whether or not he is an employee in the public service, as a mediator to confer with the parties to the collective bargaining, if the Minister is of the opinion that the appointment is likely to contribute to more harmonious industrial relationships between the parties.

Termination of Appointment

200. Where the Minister has appointed a mediator after a conciliation officer has been appointed, the appointment of the conciliation officer is thereby terminated.

Appointment of Conciliator

201. When in respect of any dispute, the conditions laid down in the Act precedent to vote, strike or lockout have been fulfilled and the dispute has not been settled, or at any other time, the Minister may appoint as a conciliator or mediator any person, whether or not he is an employee in the public service, designated by him who shall attempt to secure a settlement of a difference between the parties to the dispute and make such report within such time as the Minister may indicate and prescribe in his appointment.

Collective Agreements

Powers of Arbitration Board

202. An Arbitration Board appointed pursuant to a collective agreement or in accordance with the Act:

- may determine its own procedure, but must give full opportunity to the parties to the proceeding to present evidence and make submissions to it;

- has in relation to any proceeding before it, power to

- . summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce such documents and things as the Arbitration Board deems requisite to the full investigation and consideration of any matter that is within its jurisdiction and before it in the proceeding;

- . administer oaths and affirmations;

- . receive and accept such evidence and information on oath, affidavit or otherwise as the Arbitration Board deems desirable, whether admissible in a court of law or not; and

- . enter any premises of an employer where work is being done by any employee and inspect and view any work, materials, machinery, appliances or articles therein and interrogate any persons respecting any matter that is before the Arbitration Board in the proceeding; and

- has power to determine any question as to whether a matter referred to the Arbitration Board is arbitrable.

Review of Disciplinary Action

203. Where an Arbitration Board determines that an employee has been discharged or disciplined by an employer for cause, it may review the appropriate disciplinary penalties, modify the penalty prescribed in the appropriate collective agreement or substitute for the discharge or discipline such other penalty as to the Arbitration Board seems just and reasonable in the circumstances.

Commencement and Termination of Arbitration Proceedings

204. An Arbitration Board commences proceedings within seven days after it is constituted and must deliver its decision or award within 35 days after commencement. These limits may be extended by written agreement of the parties concerned.

Copy to Minister

205. An Arbitration Board gives its decision and award in writing and furnishes a copy to the Minister within three days after it is made.

Additional Powers

206. An Arbitration Board has all the powers that can or may be conferred on commissioners under The Public Enquiries Act.

Questions Referred to Board

207. Where any question arises in connection with a matter that has been referred to an Arbitration Board, relating to the existence of a collective agreement or the identification of the parties or employees bound by a collective agreement, the Arbitration Board may refer the question to the Board for a hearing and determination.

Arbitration Proceeding Not Suspended

208. Such referral of any question to the Board does not suspend any proceeding before the Arbitration Board, unless it decides that the nature of the question warrants a suspension of the proceeding or the Board directs a suspension.

Enforcement of Arbitration Decisions

209. Where a trade-union, council of trade-unions, employee, employer, employers' organization or other person has failed to comply with any of the terms of the decision of an Arbitration Board or of a single arbitrator made pursuant to a collective agreement or the Act, any person affected by the decision may, after the expiration of 14 days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file at the Registry of the Supreme Court of Newfoundland a copy of the decision exclusive of the reasons therefor in the form prescribed by the rules of the Board, whereupon the decision must be entered in the same way as a judgement of or order of that Court and is enforceable as such.

Single Arbitrator

210. Notwithstanding anything to the contrary in the Act, where the parties to a collective agreement so agree, a single arbitrator, satisfactory to the parties, may be appointed instead of an arbitration board and he has, may exercise, and shall discharge all the powers and duties conferred and imposed on an arbitration board by or under the Act.

Collective Agreement Made Outside Province

211. Where a trade-union or council of trade-unions and an employer or employers' organization conclude a collective agreement outside the province that relates to a matter in the province, the agreement is not enforceable in the province until each of the parties to the agreement notifies the Board in writing that it accepts the agreement and the Board declares the agreement valid.

PART V - Strikes and Lockouts

Deferring Consideration of Request

212. The Minister may, in his absolute discretion, defer the consideration of a request for the appointment of a conciliation board until after he appoints a conciliation officer to deal with the dispute and the officer makes his report to the Minister.

When Time Runs

213. In such deferment, the period within which the Minister must decide whether or not to appoint a Board does not commence until he receives the conciliation officer's report.

Danger to Industry

214. Where the Lieutenant-Governor-in-Council has reason to believe that continuance of a strike or lockout poses a threat to the economy of the province or a geographic area of the province, he may by order require the bargaining agent representing the unit of employees who are on strike or locked out to conduct a secret ballot of the employees to determine their wishes with respect to the resumption of work.
215. The Minister may require that an officer of the Department of Manpower and Industrial Relations be present during the conduct of the vote.

PART VI - Conciliation Proceedings

Appointment of Conciliation Boards

216. Where a conciliation officer fails to bring about an agreement between the parties engaged in collective bargaining or in any case where the Minister deems it desirable to do so, he may appoint a conciliation board for the purpose of endeavouring to bring about an agreement between the parties.

Failure to Report Within Time Limit

217. Failure of a conciliation officer or conciliation board to report to the Minister within the time provided in the Act does not invalidate the proceedings of the officer or the Board nor does it terminate the authority of the Board or officer.

PART VII - Enforcement

Strike by Employee

218. Every employee of an employer who participates in or goes on a strike contrary to the Act is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

Complaints to Board

219. Any employee in a bargaining unit who claims to be aggrieved because his bargaining agent has failed to act in good faith in the handling of a grievance that he has filed in accordance with any procedure:

- that has been established by the bargaining agent, and
- to which the complainant has not been given ready access,

may make a complaint in writing to the Board.

Investigation by Board

220. The Board investigates such complaints and determines whether there was a failure by the bargaining agent to act in good faith.

Remedy

221. If, on investigation, the Board finds that there was a failure to act in good faith by the bargaining agent concerned, the Board directs the bargaining agent to take such steps as are necessary to correct its failure, and, if the time for taking action has elapsed, the Board may order the bargaining agent to compensate the employee to such reasonable extent as the Board may prescribe.

PART VIII - Miscellaneous

Industrial Inquiry Commission

Powers

222. Every Industrial Inquiry Commission has and may exercise, in the discharge of the terms of reference assigned to it, all the powers of a conciliation board under this Act.

B. Public Sector

Teachers

Newfoundland

223. The Newfoundland Teacher (Collective Bargaining) Act, 1973 was amended by Bill 87.
224. Under the amending Bill a Superintendent, Assistant District Superintendent or Business Manager is excluded from the definition of "teacher".
225. The 1973 Act had already provided that all teachers were grouped in the same bargaining unit even though they were employed by different School Boards with the exception of teachers employed in schools operated by companies in Labrador who could be included in a separate unit. Bill 87 provides that where teachers are comprised within a separate unit for Labrador, the bargaining agent for that unit and the School Boards employing the teachers may each appoint a committee for the purpose of collective bargaining.
226. The amending Bill also provides that a conciliator appointed to a dispute by the Chairman of the Labour Relations Board must report to the Chairman within fourteen (14) days after his appointment or within such longer period as the Minister may from time to time allow.
227. Where the Minister is of opinion that it is desirable to appoint a conciliation board and that one or both parties to the dispute fail to appoint an appropriate member of the Board, the Minister will now make the appointments as before they were made by the Chairman of the Labour Relations Board. Where the parties do not appoint a third member and chairman of the conciliation board it also belongs to the Minister to make the appointment.
228. Bill 87 imposes limitations on appointments to a conciliation board. A person may not be appointed to act as member of a conciliation board if that person has any pecuniary interest in the matter referred to the board, if the person is acting or has, within a period of six months preceding the date of appointment, acted as counsel or paid agent of either of the parties, if the person holds any office or employment with the School Board Committee, or is a member or officer of the bargaining agent, or is a member of the Labour Relations Board.
229. Another amendment to the 1973 Act brought by Bill 87 is related to strikes and lockouts. No such action may be taken until either a conciliation board has been appointed and seven days have elapsed from the date on which both parties have informed the Minister whether or not they have accepted the report of the board, or seven days have elapsed from the date the Minister advised the applicant for a conciliation board that he does not intend to appoint a conciliation board.

Nova Scotia

230. On May 20, 1976 a Private Members' Bill received Royal Assent in Nova Scotia. Bill 130 amends the Teaching Profession Act which was adopted in 1968.
231. The 1968 Act provided that the Professional Committee of the Nova Scotia Teachers' Union had to inquire into and report to the Executive any charge that a teacher had been guilty of conduct unbecoming a member of the teaching profession. On the basis of the report, the Executive of the Union could reprimand, suspend or expel the said member without further hearing.
232. The amendment provides that the Professional Committee of the Union will have authority to make a determination regarding charges of unbecoming conduct by a teacher and direct that the teacher may be dismissed, reprimanded, suspended or expelled from the Union because of such conduct.

Prince Edward Island

233. In July 1976, all Regulations made under the School Act of Prince Edward Island were rescinded and replaced by new Regulations. Sections dealing with collective bargaining and the grievance procedure for teachers and non-instructional personnel are reported here.

Instructional Personnel - The Authorized Representative

234. The authorized representative means that person or group of persons who represents the instructional personnel in negotiations with the Government of Prince Edward Island. A teacher organization is designated as the authorized representative when it can establish to the satisfaction of the authorizing body (a group of three persons consisting of the Minister of Education who acts as chairman and two other members appointed by the Minister) that it represents more than 50 per cent of the teachers in the province and that a majority of the teachers has authorized it to represent them for negotiation purposes.
235. Application for recognition as authorized representative is made to the authorizing body. Such application may be made at any time where no teacher agreement is in force and no representative has been designated. Where a representative has been designated but no agreement is in force, any teacher organization claiming to represent a majority of the instructional personnel may, at any time after the ten months from the date the authorized representative was designated, apply to the authorizing body for a declaration that the teacher organization designated as representative no longer represents a majority of the teachers in the province.
236. Where a teacher agreement is in force, a teacher organization claiming to represent a majority of the teachers may apply for a declaration by the authorizing body that the designated representative no longer represents a majority of the teachers. Where the agreement is for a term of one

year, application may be made only between the fourth month and the sixth month of its operation. If the agreement is for more than one year, application must be made during the eighth and ninth months preceding the expiry date of the agreement.

237. The authorizing body may revoke the recognition of a teacher organization if in its opinion the designated organization no longer represents a majority of the teachers in the province. The teacher organization may however make an application to be reinstated as authorized representative.
238. The first authorized representative designated according to these regulations will be the authorized representative for a period of two completed teacher agreement negotiations or three years from the date of the first teacher agreement, whichever is greater.

Teacher Agreement

239. The parties to the negotiation of a teacher agreement are the authorized representative and the Government of Prince Edward Island. Before actual negotiations commence, the parties must meet to determine the data and information that each should make available to the other, to analyse this information and to resolve as many issues as possible through consultation.
240. Notice to bargain must be given in writing by either party within a period of three months and fourteen calendar days (not including the months of July and August) preceding the expiry date of the agreement. Negotiations must commence within fourteen calendar days after the notice is given. A teacher agreement remains in force for at least one year and not more than three years. All provisions of a new agreement with respect to salary, special allowances and supplementary financial benefits are retroactive to the day following the expiry date of the preceding agreement.
241. Where negotiations have continued for 45 days either party may request the Minister of Labour to appoint a conciliation officer to assist the parties in concluding an agreement. A conciliation officer may also be appointed where negotiations have not commenced within the time prescribed or in any other case in which in the opinion of the Minister it is advisable to do so. If a new or revised agreement is not adopted on the expiry date of the preceding teacher agreement, conciliation must cease and a report must be submitted by the conciliation officer to the Minister of Labour.
242. Following conciliation and where no collective agreement is concluded, either party may request the appointment of a board of arbitration by the Minister. A board of arbitration consists of three members, two of which are nominated by each party respectively and a chairman nominated by the government authority after consultation with the parties. All appointments are made by the Minister of Labour.

243. A board of arbitration deals with matters not resolved through consultation, negotiation or conciliation. It may determine its own procedure but must give full opportunity to all parties to present evidence and make representations. The chairman and one other member of the board constitute a quorum. An award must be made after full inquiry and without undue delay. A decision of a majority of the members is a decision of the board.
244. In rendering an award, a board of arbitration must consider the following elements: (a) the relationship or income and other benefits for teachers to those available to teachers in the other Atlantic Provinces according to the varying provincial economic capacities; (b) the trends and inter-relationship of pay and other factors within various professional and non-professional groups in both the private and public sectors; (c) the requirement to obtain and retain competent teachers within the school system; (d) the relationship between pay, professional qualifications and responsibility; and (e) such other factors deemed relevant including conditions of work and fringe benefits.
245. An arbitral award becomes binding on the parties to the negotiations. Within thirty calendar days of the date of the award, the parties must prepare and sign a teacher agreement including all matters settled in the award and all those previously agreed upon in negotiation or conciliation.

Interpretation and Grievances

246. The new Regulations provide that the parties to a teacher agreement must establish an Interpretation Committee to which any dispute or question relating to the interpretation of a teacher agreement is to be referred. The Committee must be composed of two members appointed by the Minister of Education and two members appointed by the authorized representative.
247. The Committee interprets sections of the agreement that are referred to it and must establish an official interpretation. Where the Committee is unable to agree upon an official interpretation, the matter is submitted to a Board of Reference whose decision is final and binding on the parties involved. The Board of Reference is composed of three members, a nominee of the Minister of Education, a nominee of the authorized representative and a third member acting as chairman who is appointed by the two nominees.
248. The Regulations provide for the establishment of a Grievance Review Board to hear grievances filed with the Government Authority and make decisions that become final and binding on the parties to the grievances. A grievance may be filed by either party to a teacher agreement, by a regional school board or by a teacher. In the case of a teacher, written approval of the authorized representative must be obtained before filing a grievance.

249. A grievance must be filed in writing with the Government Authority within thirty (30) days of the date of the incident giving rise to the grievance or from the date the party filing the grievance first had knowledge of the incident giving rise to the grievance, whichever is later.
250. A grievance must contain the section of the teacher agreement under which it is filed, the circumstances surrounding the grievance, the name of the grievor's nominee on the Grievance Review Board and the name of the party against whom the grievance is being filed. All grievances must be filed against a regional school board. However, the authorized representative or a teacher may file a grievance against the Minister of Education only if such grievance relates to a section of the agreement which requires some action on the part of the Minister.
251. The Grievance Review Board establishes its own procedure provided that all parties involved are given the opportunity to be heard. The Board must commence its hearings within ten days of the appointment of its chairman and provide copies of its decision to the parties and the Government Authority within ten days of its last hearing. All matters are decided by majority vote of its members.

Non-instructional Personnel - Negotiation Procedures

252. The parties to the negotiation of an agreement for non-instructional personnel are the authorized representative and the Government of Prince Edward Island. All non-instructional personnel is considered as a single unit for the purposes of consultation and negotiation, excepting managerial and special exclusions which may be made by the Minister of Education following consultation with regional school boards.
253. The Canadian Union of Public Employees is identified by the Regulations as the first authorized representative of non-instructional personnel. During the eighth and ninth months preceding the expiry date of an agreement, any organization claiming to represent a majority of the employees may make an application to the Minister of Education for designation as the authorized representative.
254. The Minister of Education may revoke the recognition of an organization as the authorized representative if in his opinion the organization no longer represents a majority of non-instructional personnel. However, the organization may make an application to be reinstated as the authorized representative.
255. When an organization obtains to the satisfaction of the Minister of Education the signature of more than 50 per cent of eligible employees, the Minister identifies that organization as the authorized representative of non-instructional personnel. In case of failure to achieve a clear majority, the Minister may arrange for a secret ballot of all eligible employees.

256. Negotiation procedures for non-instructional personnel are similar to those that apply to teachers. Notice to commence bargaining must be given in writing within a period of three months and fourteen calendar days preceding the expiry date of an agreement. Actual bargaining must commence within fourteen calendar days after the notice is given.
257. The Regulations provide for a consultation process between the parties before negotiations take place. A conciliation officer may be appointed by the Minister of Labour to assist the parties where negotiations have not commenced within the time prescribed or have continued for forty-five (45) days without success. Where conciliation is unsuccessful in bringing the parties to reach an agreement, matters remaining in dispute are referred to a board of arbitration composed of three members appointed by the Minister of Labour. A single arbitrator may also be assigned to the dispute.
258. In rendering an award a board of arbitration or a single arbitrator must consider a fair comparison between the relationship of incomes and other benefits for non-instructional employees to those available to employees doing similar work in the private sector, in other governments and companies suitable for fair comparison.

Hospital Workers

Prince Edward Island

259. In July 1976, the Prince Edward Island legislature adopted regulations providing for the appointment of a conciliation officer and/or the appointment of a Board of Arbitration to assist the parties engaged in negotiations for hospital workers in reaching a collective agreement.

Conciliation

260. After 45 days of direct negotiations, either party may request the Minister of Labour to appoint a conciliation officer. The request must be accompanied by a statement of the difficulties encountered before or during the course of negotiations. The Minister may appoint a conciliation officer (if in his opinion it is advisable) to inquire into the dispute and assist the parties. The appointment must be made within seven calendar days of receiving the request. Fourteen days after his appointment, the Conciliation Officer must report his success or failure to the Minister of Labour. The Minister may determine a longer period or the parties may agree to a longer term.

Arbitration

261. Matters that are not resolved through negotiations may be submitted to a Board of Arbitration upon request of either party and after notifying the Minister of Labour of the difficulties encountered before or during the course of negotiations. A Board of Arbitration may consist of three

262. persons or one person. Where a board is composed of three members, two are nominated by the parties respectively and a third person selected by the members acts as chairman. Appointments are made by the Minister of Labour.
263. Not later than ten days after its appointment, a Board of Arbitration must hear the matters referred to it and determine those matters upon which the parties are unable to agree. A board has power to make awards on salaries, wages, hours of work, overtime and other allowances for work performed, vacations and holidays with pay, the grievance procedure and such other items which are presented by mutual agreement of the parties.
264. In rendering an award a Board of Arbitration must consider a fair comparison between the relationship of incomes and other benefits for hospital employees to those available to employees doing similar work in the private sector, in other governments and institutions in the Atlantic Provinces, and to civil servants. An award must be made after full enquiry not later than ten days following completion of such enquiry unless the parties mutually agree to the extension of this term. The arbitral award becomes binding upon the parties to the negotiations.
265. Not later than thirty calendar days from the date a Board of Arbitration makes its decision, the parties must prepare and sign an agreement embodying all matters settled in the award and all those agreed upon between the parties during negotiations. Every agreement concluded by virtue of these regulations will remain in force for at least one year and not more than three years.

Civil Servants

Alberta

266. In Alberta, the Civil Service Association of Alberta Repeal Act (Bill 33) became law on June 14, 1976.
267. The purpose of the Act is to dissolve the Association and substitute in its place the Alberta Union of Provincial Employees. All assets and liabilities are transferred by legislation from the Association to the Union. Members of the Association as well as members of the Provincial Executive and of the various committees of the Association become members of the Union or hold office pursuant to the by-laws of the Union.
268. The Union is incorporated under the Societies Act. Bill 33 provides that where the Registrar of Companies issues a certificate of incorporation with respect to the Union, the certificate of incorporation is deemed to have been issued on the same date that the Act came into force (June 14, 1976).
269. Bill 33 makes according changes to the Crown Agencies Employee Relations Act, the Public Service Act and the Public Service Pension Act where reference is made to the Civil Service Association of Alberta.

British Columbia

270. On June 29, 1976, Bill 82, the Public Service Labour Relations Amendment Act, 1976 received Third Reading in the British Columbia legislature.
271. The purpose of Bill 82 is to amend the Public Service Labour Relations Act to reflect the changes in the Public Service Act, whereby the Treasury Board, acting through the agency of the Government Employee Relations Bureau, becomes the bargaining agent on behalf of the Government.
272. By virtue of the amending Act it is the duty of the Bureau, on behalf of and under the direction of the Treasury Board to bargain collectively the terms and conditions of employment of employees and to execute, on behalf of the Government, collective agreements that may be concluded under the Act. The Bureau must provide assistance to the Government or a department respecting the interpretation and application of a collective agreement, in any difference that may arise in the interpretation, application, or alleged violation of a collective agreement and in the interpretation and application of any Act relating to labour relations affecting the Government or a department.
273. It is also the duty of the Bureau to provide training and instruction to persons designated by a minister or deputy minister to bargain collectively or provide assistance in the interpretation of collective agreements or legislation.

Yukon

274. On May 27, 1976, the Public Service Commission Ordinance received Royal Assent in the Yukon Territory. The Ordinance establishes a Public Service Commission which among other things has the power to appoint or provide for the appointment of persons to or from within the Public Service, to test qualifications, to establish and maintain a classification plan and a job evaluation system, to sponsor programs of employee training and to negotiate on behalf of the Territory with an authorized bargaining agent.
275. A Public Service Commissioner is appointed by the Commissioner of the Yukon Territory for a period of ten years with a possibility of reappointment. The Ordinance establishes a Classification Appeal Board consisting of one person, the chairman, who is not an officer or employee of the Commission. Appeal to this board may be made by an employee regarding the allocation of a position in a class, reclassification or reallocation of a position after review, and by a deputy head with respect to any position in his establishment. The decision of the board is final and binding on the Commissioner, the Commission, the Deputy Head and the employee.
276. The Ordinance also contains provisions regarding probation, retirement, resignation, abandonment of position, transfer, suspension and dismissal, political leave, lay-off, contracts of employment and the power of the Commissioner to make regulations.

277. The Yukon Public Service Staff Relations Ordinance was amended by Bill 11 which received Royal Assent on December 3, 1976. The amendment provides that the Public Service Staff Relations Board will now consist of a Chairman, a Vice-Chairman, not less than three Deputy Chairmen and such other members as the Commissioner considers necessary. Prior to this amendment, the Ordinance provided for the appointment to the Board of four to eight members representative in equal numbers of the interests of the employer and the interests of the employees.
278. In accordance with this amendment, Bill 11 also provides that at a meeting of the Board, the Chairman or Vice-Chairman and two other members must be present. Specifications related to employer and employee representative have been deleted. A division of the Board acting on direction of the chairman must consist of the Chairman, Vice-Chairman or a Deputy Chairman and at least two other members designated by the Chairman. Specifications as to employer and employee representative have also been deleted in this case.

C. Emergency Legislation

Federal

Longshoring Operations

279. On October 22, 1976, Bill C-14, the Port of Halifax Operations Act was passed by Parliament.
280. Bill C-14 ordered resumption of longshoring and related operations at the port of Halifax forthwith on the coming into force of the Act. Every person who was authorized on behalf of a union to bargain collectively with the Maritime Employers Association had to notify the members of a union who were ordinarily employed in longshoring or related operations that these operations had to be resumed by reason of the coming into force of the Act. Employees had to return to their employment when so required.
281. The Act provided that the new collective agreement in force between the parties was the document signed at Halifax on September 25, 1976 between the Maritime Employers Association and the Halifax Longshoremen's Association, Local 269, tabled in the House of Commons by the Minister of Labour on October 22, 1976, exclusive of items 3, 5(c), 6(b) and 8 of the rules of despatch.

Rules of Despatch

282. In passing Bill C-14, Parliament did not legislate some items of the rules of despatch. However, it provided that, on or before December 10, 1976, the Halifax Longshoremen's Association, Local 269 of the International Longshoremen's Association had to submit to the employers' association proposals for amendment or revision of items 3, 5(c), 6(b) and 8 of the rules of despatch. Where an agreement was reached between the parties with regard to the items in dispute, it was deemed to be incorporated into the collective agreement brought into force by the Act with effect on and after January 1, 1977.
283. Where no agreement was reached, the Minister of Labour, on notification in writing from the union or from the employers' association was to refer the items in dispute to an industrial inquiry commissioner appointed by him for final and binding determination. Such determination was to be incorporated into and form part of the collective agreement brought into force by the Act with effect from January 1, 1977 or where in the opinion of the Minister of Labour that date was impracticable, on a date after January 1, that was designated by the Minister of Labour as the earliest practicable date.
284. The Act prohibited strikes and lockouts during the term of the new collective agreement. It did not limit or restrict the right of the parties to vary or amend any of the provisions of the agreement other than a provision relating to the term of the agreement.

Enforcement

285. The Bill provided for enforcement measures in case regular operations were not resumed at the port of Halifax. On application on behalf of Her Majesty in right of Canada, the Supreme Court of Nova Scotia had to issue an injunction ordering any company or union to comply with the Act or to cease any conduct that had impeded or had been likely to impede normal longshoring and related operations or to cease being a party to such conduct. Failure or refusal to comply with an injunction by any company or union could lead to contempt of court.
286. Any company or union cited and punished for contempt of court could appeal from the conviction or against the punishment imposed to the Appeal Division of the Supreme Court of Nova Scotia.

British Columbia

Railway and Ferry Services

287. In British Columbia, the Railway and Ferries Bargaining Assistance Act (Bill 58) received Royal Assent on June 14, 1976.

Special Commissions

288. Part I of the Act provides that the Minister charged with the administration of the Act may with the approval of the Lieutenant-Governor-in-Council appoint Special Commissions to inquire into all matters pertaining to the relationships between an employer and its employees or their trade-unions and the disputes or differences arising between them with the view to secure and maintain industrial peace.
289. In this Part and in Part III of the Act, employer means the British Columbia Railway Company and the British Columbia Ferries Division of the Department of Transport and Communications, or the British Columbia Ferry Corporation, as the case may be.
290. A Special Commission may report its recommendations to the Minister from time to time, it must report to the Minister on request, and if directed by the Minister must publish the report. A Special Commission may also inquire into and make a report and recommendations respecting the procedures to be followed for development and implementation of job evaluation in an employer's operation and any other matter affecting relations between an employer and its employees not included or referred to in a collective agreement.
291. In carrying out an inquiry under this Act, a Special Commission has all the powers of a Commissioner under Sections 7, 10 and 11 of the Public Inquiries Act. It may receive and accept evidence and information on affidavit or otherwise, as it considers advisable, whether or not it is admissible as evidence in court, and may determine its own procedure, but must give an opportunity to any interested party to present evidence and make representations.

Resumption of Operations

292. Part II of Bill 58 provides that 48 hours following the coming into force of this Part (which was June 15, 1976) the employer had to resume its normal operations, re-engage and resume the employment of every employee required for its normal operations and was prohibited from declaring, authorizing, acquiescing in, or engaging in a lockout of employees.
293. Every employee who was bound by a collective agreement that expired before June 15, had to resume the normal duties of his employment. No person or trade-union could declare, authorize, acquiesce in, or engage in a strike or in picketing of the place of business, operations, or employment of the employer. Every person who was authorized on behalf of a trade-union to bargain collectively with the employer for the renewal or revision of a collective agreement had to notify the members of the union that any declaration, authorization or direction to go on strike given before or after the coming into force of the Act had become invalid and that any strike and picketing was prohibited.
294. Bill 58 also provided that no person acting on behalf of the employer could refuse to permit, or authorize or direct another person to refuse to permit an employee to resume the duties of his employment. It was also prohibited to suspend, discharge, or in any manner discipline an employee because of his participation in a strike before the coming into force of the Act. However nothing in the Act prevented an employer to suspend, discharge or discipline an employee for reasonable cause.
295. The term of every collective agreement to which Part II applied was extended to include the period beginning from its expiry date and ending on the date on which a new or revised collective agreement was to come into effect. During the term of the new collective agreements it is prohibited for an employer except with the consent of the trade-union to alter the rates of wages of the employees or any other term or condition of employment that was in operation on the expiry date of the agreements. It is also prohibited for the trade-unions except with the consent of the employer to alter any terms or conditions of employment that were in operation on the expiry date of the previous agreements.
296. The Act provided for the appointment by the Minister of a Board of Arbitration consisting of one or more persons where the parties were unable to conclude a new or revised agreement. Upon the appointment of a Board of Arbitration, the parties had to negotiate and make every reasonable effort to conclude a settlement. The Board of Arbitration had to examine into and decide all matters remaining in dispute between the parties and any other matter that appeared necessary.
297. The decision of the Board of Arbitration was to include the matters agreed upon between the parties, those matters not agreed upon, other matters as agreed between the employer and the trade-unions and those that appeared necessary to the Board of Arbitration in order to conclude the new or revised collective agreements. The decision of the Board had

to be rendered within thirty (30) days after the commencement of the inquiry. However the inquiry could be extended by the Minister or after agreement in writing of all the parties to a particular collective agreement.

298. In order to make a decision on all matters remaining in dispute, the Board of Arbitration could use one of the following methods: fact-finding, final offer selection or mediation to finality. The decision of the Board of Arbitration became final and binding upon the employer and the trade-unions affected and the employees on whose behalf the trade-unions were entitled to bargain.
299. Within seven days after the date of the decision of the Board of Arbitration or such longer period as agreed in writing by the parties to a particular collective agreement, the parties had to prepare and execute documents giving effect to the decision of the Board of Arbitration. The documents so executed constituted the new or revised collective agreements. In case of failure by the parties to prepare and execute the documents and after notification in writing by any of the parties, the Board had to prepare documents in the form of new or revised collective agreements and submit them to the parties for execution. Where the parties failed to execute the documents within seven days after submission to them by the Board of Arbitration these documents became effective and constituted the new collective agreements.

Cooling-off Period

300. Part III of the Act provides that where an employer and a trade-union are unable to conclude a collective agreement and the Lieutenant-Governor-in-Council is of the opinion that an immediate and substantial threat to the economy and welfare of the Province and its citizens exists or is likely to occur, he may by order prescribe a cooling-off period not exceeding 90 days.
301. During this cooling-off period which may not exceed 90 days the Act provides that:
- (a) the employer must continue or, within 48 hours after the order is made, resume its normal operations, and re-engage and resume the employment of every employee required for its normal operations,
 - (b) the employer must not declare, authorize, acquiesce in, or engage in a lockout,
 - (c) the employer must not transfer, lay-off, or demote an employee without just and reasonable cause,
 - (d) every employee must continue or, on the call of the employer resume the normal duties of his employment,

- (e) neither the trade-union, any person on its behalf, nor any employee must declare, authorize, acquiesce in, or engage in a strike or in picketing of the place of business, operations, or employment of the employer, and
- (f) the terms and conditions of employment must be those prevailing with respect to the employees of the employer during the cooling-off period except to the extent that the employer and the trade-union affected agree to vary them.

- 302. Where the Lieutenant-Governor-in-Council by order prescribes a cooling-off period, the Minister must appoint one or more special mediators to confer with the parties and to assist them in settling the terms of a collective agreement. The special mediator reports to the Minister and where the dispute is not resolved he must report his recommendations as to the procedures that should be followed to achieve a collective agreement.
- 303. Where the special mediator recommends that fact-finding should be the procedure to be followed, the Minister may appoint a person as fact-finder. The fact-finder must confer with the parties, inquire into and make a report setting out the matters agreed upon between the parties and those remaining in dispute. The report of the fact-finder is not binding on the parties but is made for their advice and guidance.
- 304. The Act, except Part II, comes into force on a day fixed by proclamation.

Hospital Services

- 305. In British Columbia, the Hospital Services Collective Agreement Act was adopted on June 9, 1976 to settle a labour dispute between the Health Labour Relations Association representing certain hospitals and the Hospital Employees' Union, Local 180. The dispute resulted in work stoppages and a special mediator was appointed to assist the parties in their negotiations. Where mediation was not successful in bringing the parties to an agreement and further work stoppages were likely to occur, ad hoc legislation was passed.
- 306. Bill 75 provided that Appendix I of the report of the special mediator was deemed to constitute the terms and conditions of a collective agreement between the parties, and that this collective agreement could be varied by agreement between the Hospital Labour Relations Association and the trade-union.
- 307. As soon as practicable after the coming into force of the Act, the Hospital Labour Relations Association and the union, or in the event of their failure, the special mediator had to refer the collective agreement for review under the Anti-Inflation Act (Canada).

308. Bill 75 ordered resumption of hospital services, prohibited strikes and lockouts and invalidated any declaration, authorization or direction to go on strike given before or after the coming into force of the Act. No officer or representative of the trade-union could in any manner impede or prevent, or attempt to impede or prevent any person to comply with the order to resume work.
309. No employer or person acting on behalf of an employer could refuse to permit any person to continue or resume the ordinary duties of his employment, or discharge or discipline an employee because that employee had been locked out or on strike prior to the coming into force of the Act.
310. This ad hoc legislation also stipulated that the Minister of Finance had to set aside out of the Consolidated Revenue Fund and hold in a special fund until March 31, 1977 the sum of \$6 million, to be paid out on the requisition of the Minister of Health for the purpose of implementation of the job evaluation provisions in the collective agreement and any further money required for that purpose had to be paid out of money authorized by the Legislature.

Québec

Health Services

311. In Québec, Bill 61, an Act respecting health services in certain establishments received Royal Assent on July 24, 1976. The object of the Bill was to ensure resumption of regular services in certain establishments providing health services. These establishments included local community service centres, hospitals, social service centres and reception centres.
312. The Bill provided for resumption of services as of 00.01 Hours on July 27 by employees who were members of the personnel of an establishment as nurses and whose conditions of employment had not been determined by agreement before July 23. The establishments had to resume their services and reinstate all employees. The order for resumption of work did not cover employees who had resigned from their position between July 21 and October 21, 1976 where such resignations had been accepted by the employer, those who resigned after October 21 or who had become entitled to retirement. Any application for voluntary striking off the roll of the Order of Nurses of Québec made by employees between July 21 and October 21 was without effect before October 21.
313. Bill 61 prohibited the use of intimidation, violence, harassment or manoeuvres to incite employees to be absent from work or to effect a slow-down or diminution of regular activities. Associations of employees had to take appropriate measures to induce the members of such associations to comply with the Act.

314. The conditions of employment of the employees covered by the Act were established by Sessional Paper No. 151 dated July 23, 1976 in the National Assembly. These conditions of employment constituted a collective agreement expiring June 30, 1978.
315. Bill 61 provided for penalties in case of failure to comply with the order to resume functions and services by employees, associations of employees and establishments. Every administrator, officer, agent or advisor of an establishment who did not comply with the legislation was liable to a fine of \$1,000 to \$10,000 for each day or part of a day during which the offence continued. An identical fine was provided by the Act for every association of employees, union, federation, corporation or other organization to which an association belonged or was affiliated to that authorized, encouraged or incited a person to contravene the Act.
316. Where one of the associations of employees, unions, federations, corporations or other organizations was guilty of an offence, each of its administrators, officers, employees, agents or advisors who had participated in the offence or acquiesced therein was deemed a party to the offence and liable to the penalty provided for the offence. Every member, administrator, officer, employee, agent or advisor of an employee association, union, federation...who authorized, encouraged or incited a person to contravene the order was guilty of an offence and liable to a fine of \$1,000 to \$10,000 for each day or part of a day during which such contravention continued.
317. Every employee covered by the Act was deemed to have contravened the order to resume work on a given day upon proof prima facie that such employee had not performed his or her duties on that day. The presumption could be rebutted upon proof that the employee had performed his or her duties in a regular manner on that day or that the absence from work was in accordance with that employee's regular schedule and was not part of a concerted action.
318. The Act provided that where the Lieutenant-Governor-in-Council was of the opinion that less than 70 per cent of the persons for whom an association of employees was certified had not complied with the order to resume work, he could order cessation of the obligation to pay the union assessment for a period of at least three months or at the most one year in regard of the association concerned. During the period fixed by the Lieutenant-Governor-in-Council, the establishments would be prohibited from withholding union assessments from the employees and the associations of employees would be prohibited to demand them from their members.
319. Failure by the establishments to comply with the decision of the Lieutenant-Governor-in-Council, would entail for the members, administrators, officers, employees, agents or advisors of such establishments a fine of \$1,000 to \$10,000 for each day or part of a day during which the offence continued.

320. Bill 61 also provided for a decrease of 10 per cent on the amounts payable as retroactive pay for each day an employee was absent from his work contrary to provisions of the Act. The amounts withheld by the establishments had to be reported to the Minister of Social Affairs who in turn had to table the reports in the National Assembly.
321. No administrator, officer, agent, or advisor of an association, union, federation, corporation or other organization who has been found guilty of an offence under the Act may hold any management post in an association of employees or be elected or appointed business agent or union representative of such an association nor occupy such positions for two years from the date of being found guilty.

V. OCCUPATIONAL SAFETY AND HEALTH

322. During the last seven months, various provinces made changes in their occupational safety and health legislation. Among these changes, four particularly important acts were passed - the Occupational Health and Safety Act in Alberta, the Workplace Safety and Health Act in Manitoba, the Occupational Safety Act in New Brunswick and the Employees' Health and Safety Act, 1976 in Ontario.

General Safety and Health

323. Effective December 1, 1976, Alberta has enacted the Occupational Health and Safety Act which brings the accident prevention branch of the Workers' Compensation Board within a special division of the Department of Labour.

General Obligations

324. Provisions in the Act outline the general obligations of employers, principal contractors, workers and suppliers of tools, appliances or equipment as regards the health and safety of workers.

Administration

325. The new legislation provides for the appointment of a Director of Occupational Health and Safety Inspection, a Director of Medical Services, a Director of Occupational Hygiene, Occupational Health and Safety Officers and such other employees as may be necessary for the administration of the Act.
326. An "Occupational Health and Safety Council" is established consisting of not more than 12 persons appointed by the Lieutenant-Governor-in-Council. The duties of the Council are:

- 1) to advise the Minister on matters concerning the Act and the regulations and on matters concerning the health and safety of workers;
- 2) to hear appeals in accordance with the Act;
- 3) to perform any duties and functions assigned to it by the Minister with respect to the administration of the Act and the regulations.

Enforcement

327. The Director of Inspection and officers appointed under the Act are given broad powers to perform inspections and various provisions are made regarding the issuance of orders. In addition, the Director of Occupational Hygiene may, by written order, require a principal contractor or an employer to inspect regularly any work site under his/her control for health hazards and may prescribe the manner, methods and/or procedures to be used for carrying out those inspections.

328. Any person to whom an order (mentioned in the previous paragraph) is issued may make an appeal to the Occupational Health and Safety Council.
329. There are also requirements in the Act dealing with the reporting and investigation of accidents.

Medical Examinations

330. For the purposes of determining the extent of any occupational injury or disease related to a worker's occupation, the Director of Medical Services may require that worker to be medically examined by himself or by another physician he has authorized to carry out the medical examination.
331. A physician who, in the course of his practice, finds that a person examined by him is affected with or is suffering from an occupational disease designated as such by the regulations, must within seven days of the diagnosis, notify the Director of Medical Services in writing of the name, address and place of employment of that person and the name of the designated occupational disease.
332. Where a worker is engaged in an occupation or works at a work site or class of work site, that is designated as hazardous by the regulations, the employer must, within ten days of the commencement of the worker's employment, register with the Director of Medical Services the name of that worker and the location of the work site.
333. Where a person is registered (as outlined in the previous paragraph), the Director of Medical Services may
- 1) require that person to have regular medical examinations,
 - 2) prescribe the type and frequency of the medical examinations,
 - 3) prescribe the form and content of medical records to be compiled with respect to that person and
 - 4) prescribe the period of time that those medical records must be maintained.

Hazardous Substances

334. Where any designated substance is used, stored or manufactured at or on a work site, the person responsible for that work site must compile, in a manner and form approved by the Director of Occupational Hygiene, written information in respect of that substance which must include:
- 1) its common and chemical name
 - 2) its chemical composition and its physical and chemical properties

- 3) the toxicological information respecting that substance
- 4) the effect of exposure or contact on humans of that substance
- 5) the protective measures used in respect of that substance
- 6) the methods of disposal of that substance and
- 7) such other information as the Director prescribes.

335. The term "designated substance" means a substance designated by the regulations as a substance to which this provision applies.
336. A person who compiles such written information on a designated substance must maintain that information on the work site in a location which is readily accessible to the workers and to other persons who are at that work site. He must also, upon the request of the Director of Occupational Hygiene, furnish the Director with copies of that written information.

Health and Safety Committees

337. A major provision of the Act deals with the implementation of joint health and safety committees at work sites.
338. The Minister may, by order, require that there be established at any work site a joint work site health and safety committee which must:
- 1) identify situations which may be unhealthy or unsafe in respect of the work site,
 - 2) make recommendations to principal contractors, employers and workers for the improvement of the health and safety of workers at or upon the work site,
 - 3) establish and maintain educational programs regarding the health and safety of workers at or upon the work site and
 - 4) carry out those duties and functions prescribed by the regulations.
339. The number of persons on a joint work site health and safety committee who represent the principal contractor and the employers, in respect of a work site at which a project is being carried out, or in other cases who represent the employer, must not exceed in total the number of workers representatives on that committee.

340. No disciplinary action may be taken against a member of a joint work site health and safety committee by reason of that member performing duties and functions as a member of the committee.

Imminent Danger

341. No worker may:

- 1) carry out any work where there exists an imminent danger to his/her health or safety, or
- 2) carry out any work that will cause to exist an imminent danger to the health or safety of that worker or another worker present at the work site, or
- 3) operate any tool, appliance or equipment that will cause to exist an imminent danger to the health or safety of the worker or another worker present at the work site.

342. In the provision just described "imminent danger" means, in relation to any occupation, a danger which is not normal for that occupation or a danger under which a person engaged in that occupation would not normally carry out his work.

343. No person may dismiss or take any other disciplinary action against a worker by reason of that worker acting in compliance with the Act, the regulations or an order given under the Act.

Regulations

344. Seven sets of regulations which were formerly under the Workers' Compensation Act have been revised and issued under the Occupational Health and Safety Act. The regulations are the:

- 1) First Aid Regulations
- 2) General Accident Prevention Regulations
- 3) Safety Regulations Governing Grain Elevators, Grain Annexes, Flour Mills, Feed Mills, Seed Mills and Seed Cleaning Plants
- 4) Lumbering Safety Regulations
- 5) Petroleum and Natural Gas Safety Regulations
- 6) Construction Safety Regulations
- 7) Explosives Safety Regulations.

Offences

345. Penalties are provided for any person who contravenes any provision of the Act or the regulations or fails to comply with an order made by the authority. The maximum of the possible fine and/or imprisonment penalty is doubled in the case of a second or subsequent offence and an additional fine is imposed for each day during which the offence continues.
346. When the Director of Inspection or an officer believes that there is a danger to the health or safety of a worker in respect of his/her employment and does any or all of the following:
- 1) order the work or any part thereof that is taking place to be stopped forthwith;
 - 2) order any worker or other person present to leave the work site forthwith;
 - 3) in writing order the principal contractor or the employer to take measures specified by the Director or the officer, as the case may be, which he considers necessary for the purpose of removing the source of the danger or to protect any person from it,

any person who fails to comply with such an order, as may be varied by an appeal to the Occupational Health and Safety Council, is guilty of an offence and liable on summary conviction to a maximum fine of \$15,000 or to imprisonment for a term not exceeding 12 months or to both.

347. Manitoba has passed the Workplace Safety and Health Act. The Act which replaces the Employment Safety Act, administered by the Workers' Compensation Board, will come into force on a date fixed by proclamation.

Application

348. The Workplace Safety and Health Act applies to every employer, worker and self-employed person under the jurisdiction of the provincial government, including the workers employed by the Government of Manitoba and its agencies.

General Duties

349. The Act defines the duties of employers, workers, self-employed persons and principal contractors.

Administration

350. For the purpose of administering the Act, a new workplace safety and health division is established within the Department of Labour. This division is administered by a Director whose duties and powers are described in the legislation.

351. The Lieutenant-Governor-in-Council is given power to appoint an "Advisory Council on Workplace Safety and Health" which may advise or make recommendations to the Minister on any of the following matters:

- 1) workplace safety and health generally and the protection of workers in specific workplace situations;
- 2) the appointment of consultants and advisors by the Minister; and
- 3) any matter relating to workplace safety and health on which the Minister seeks the Council's opinion.

352. The legislation also provides for the appointment of a duly qualified medical practitioner with training and experience in occupational medicine as chief occupational medical officer under the new Act.

Enforcement

353. Safety and health officers are given broad enforcing powers and while conducting an inspection, inquiry or investigation under the Act or the regulations, they have all the powers of a commissioner under Part V of the Manitoba Evidence Act.

354. Provision is made in the Act determining the circumstances where a safety and health officer can issue an "improvement order" or a "stop work order".

355. Following a procedure specified in the legislation, a person affected by an improvement order may appeal to the Director of the Workplace Safety and Health Division and if the person is aggrieved by the decision of the Director or by a stop work order, he/she may file an appeal with the Manitoba Labour Board whose decision is final.

Safety and Health Committees

356. The Lieutenant-Governor-in-Council may designate such individual workplaces or classes of workplaces in which the employer must establish a workplace safety and health committee.

357. The committee must consist of not less than 4 or more than 12 persons, of whom at least one-half must be persons representing workers other than workers connected with the management of the workplace. The workers' representatives must be appointed in accordance with the constitution of the union which is the certified bargaining agent or has acquired bargaining rights on behalf of those workers. Where there is no union, they must be elected by the workers they represent.

358. The duties of the workplace safety and health committee include:

- 1) the receipt, consideration and disposition of concerns and complaints respecting the safety and health of the workers;
- 2) participation in the identification of risks to the safety or health of workers or other persons, arising out of or in connection with activities in the workplace;
- 3) the development and promotion of measures to protect the safety, health and welfare of persons in the workplace and checking the effectiveness of such measures;
- 4) co-operation with the occupational health service, if such a service has been established within the workplace;
- 5) co-operation with a safety and health officer who is exercising his duties under the Act;
- 6) the development and promotion of programs for education and information concerning safety and health in the workplace;
- 7) the maintenance of records in connection with the receipt and disposition of concerns and complaints and the attendance to other matters relating to the duties of the committee; and
- 8) such other duties as may be specified in the Act or regulations.

Worker Safety and Health Representative

359. In workplaces where safety and health committees are not required to be established, the Lieutenant-Governor-in-Council may designate such individual workplaces or classes of workplaces in which the employer must cause a worker not connected with the management of the workplace to be designated as the worker safety and health representative.
360. The worker safety and health representative must be appointed in accordance with the constitution of the union which is the certified bargaining agent or has acquired bargaining rights on behalf of the workers. If no such union exists, he must be elected by the workers he represents.
361. The worker representative must, in co-operation with a representative of the employer, perform the same duties as set out for the workplace safety and health committees.

Protection Against Disciplinary Action

362. No discriminatory action may be taken or threatened by an employer or any person acting on his behalf, or by any union against any worker because of his participation in or association with the functions of a workplace safety and health committee or of a worker safety and health representative.
363. Where, in a prosecution under the Act or in a proceeding before the Manitoba Labour Board, a worker establishes that he was subject to a discriminatory action and that he did conduct himself in the manner described in the previous paragraph, the onus is on the employer, or union, as the case may be, to prove that the decision to take such discriminatory action was not in any way influenced by that conduct on the part of the worker.

Dangerous Conditions of Work

364. Where a worker in or about a workplace has reason to believe and does believe that a condition exists that is dangerous to his safety or health in the performance of his work and he has reported that condition to his supervisor, foreman, chargehand or similar person and he has examined the site with him, then, if the condition remains uncorrected, the worker must in writing report the condition to a safety and health officer.
365. A safety and health officer who has received such a report must forthwith make an examination and inquiry and make such order as he deems necessary to achieve the remedying of the condition.
366. No employer or any person acting on his behalf or any union may take discriminatory action against a worker for the reason that (1) he has made a report on dangerous conditions or (2) he has refused to work or to continue to work under the conditions that he has reported and where a report of a safety and health officer indicates that the worker had reasonable and probable grounds for believing that those conditions were dangerous to his safety or health.
367. Where in a prosecution under the Act or in a proceeding before the Manitoba Labour Board, a worker establishes that he was subject to a discriminatory action and that he did conduct himself in a manner described in the previous paragraph, the onus is on the employer or union, as the case may be, to prove that the decision to take the discriminatory action was not in any way influenced by that conduct on the part of the worker.
368. A worker who takes unfair advantage of the provisions just described, for frivolous reasons may be subject to such discipline as is available to be imposed upon him by his employer subject to the contractual relationship between them or a bargaining agent on behalf of the worker.

Obtaining of Information

369. For the purpose of obtaining any information in connection with the objects and purposes of the Act, the Director of the Workplace Safety and Health Division may serve on any person a notice requiring that person to furnish such matters to him or to such other person, as is specified in the notice. The form, manner and the period of time within which this must be done may also be specified in the notice.
370. Provision is made for a right to appeal to the Minister to have such a notice set aside, varied, amended or suspended.

Medical Examinations

371. The chief occupational medical officer may carry out or arrange to have carried out by another physician or other qualified person such medical examinations of workers or former workers as he deems desirable for the purpose of administering the Act and the regulations, but such examinations requires the consent of the person to be examined.
372. Where it appears to the Director of the Workplace Safety and Health Division upon the advice of the chief occupational medical officer that a worker has been over-exposed to a harmful substance and that a temporary removal from the hazard will enable the worker to resume his usual work, the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in his opinion is suitable, for such period of time as he may specify.
373. The Minister may designate a workplace, or a class of workplaces where the employer is required to establish and maintain an occupational health service having regard to the type of work being carried on therein, the number of workers employed thereat and the degree or uncertainty of hazard thereof. The services that are to be provided by the occupational health service may be specified by the Minister.

Offences

374. A person guilty of an offence under the Act or the regulations is liable on summary conviction, to the penalties described in the legislation. In most cases, the maximum possible fine is higher for a second or subsequent offence and an additional fine is imposed for each day during which the offence continues.
375. In addition to any fine, a person convicted of an offence under the Workplace Safety and Health Act may be imprisoned for a term of up to six months.
376. An employer or his agent or a supervisor, foreman, chargehand or similar person who knows or ought to know that any condition exists at a workplace that is unusually dangerous to the safety or health of a worker, must not require or permit the worker to engage in, carry on or continue to work in that workplace under that condition. When a person is convicted of an offence for a contravention of this provision, he is

prohibited from working in a supervisory capacity at any workplace for a period of six months after his conviction. In addition to this, he may be subject to a maximum fine of \$1,000 and/or be imprisoned for a period not exceeding six months.

377. Where a corporation commits an offence under the Act, any officer, director or agent of the corporation, who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and liable, on summary conviction, to the penalty provided for the offence whether or not the corporation has been or is prosecuted for or convicted of the offence.
378. New Brunswick has passed the Occupational Safety Act which came into force on January 5, 1977. The new Act replaces the Industrial Safety Act and the Logging Camps Act.
379. The Act and the regulations made under it, apply to every place of employment in the Province except a place of employment covered by the Mining Act, private homes and any place of employment exempted by regulation. The Government of the Province is also bound by the Act.
380. The Department of Labour and Manpower is responsible for the administration of the new legislation and for the purpose of carrying out the provisions of the Act and the regulations, the Lieutenant-Governor-in-Council may appoint occupational safety officers and a Chief Safety Officer.
381. Various provisions of the Act outline the duties of every contractor, sub-contractor, employer and employee.
382. In the main, the Act incorporates a revision of most of the provisions of the Industrial Safety Act plus some additions.
383. There has been an increase in the minimum and the maximum of the fine that may be imposed on a person who contravenes or fails to comply with the Act or the regulations. Such fine is applicable for each day the offence continues.
384. Ontario has passed the Employees' Health and Safety Act, 1976. The Act which is administered by the Ministry of Labour came into force on December 16, 1976, except for a section dealing with occupational health and safety data that the Workmen's Compensation Board may be requested to furnish; this section will take effect on a date fixed by proclamation.

Unsafe Conditions

385. Under the legislation where an employee has reasonable cause to believe that a machine, device or thing is unsafe to use or operate or a place is unsafe for him to work in or the machine, device, thing or place is in contravention of the Industrial Safety Act, 1971, the Construction Safety Act, 1973 or Part IX of the Mining Act, or any regulations thereunder, as the case may be, he may refuse to use or operate the machine, device or thing, or work in the place.

386. An employee who makes such a refusal must immediately report the circumstances of the matter to his employer or the person having control and direction over him who must forthwith investigate the report in the presence of the employee and, if there is such, in the presence of either a health and safety representative, a joint health and safety committee member who represents employees, or a person authorized by the trade-union concerned.
387. Where the employer or the person having control and direction over the employee disputes the report or takes steps to make the machine, device, thing or place safe or comply with the appropriate legislation, as mentioned earlier, and the employee has reasonable cause to believe that the condition is still unsafe, he may continue to refuse to use or operate such machine, device or thing or work in such a place unless a collective agreement binding the employee expressly provides otherwise.
388. Where the employee continues to refuse to use or operate the machine, device or thing, or work in the place or having returned to work in compliance with the express provisions of a collective agreement files a grievance concerning his right for such a refusal, the employer or person having control and direction over the employee must notify an appropriate inspector or an engineer, as the case may be, who must investigate the matter in the presence of the employer or the person having control and direction over the employee, the employee and, if there is such, either a health and safety representative, a joint health and safety committee member who represents employees or a person authorized by the trade-union.
389. Following his investigation, the inspector or engineer must make a decision as to whether an unsafe condition exists.

Health and Safety Committees

390. The Minister may, by order in writing, require an employer to establish a joint health and safety committee or committees for a workplace or any part of a workplace.
391. A committee consists of such number of persons as the Minister may prescribe, of whom half must be employees who do not exercise managerial functions, to be selected by the employees they are to represent or, by a trade-union or trade-unions when it or they represent(s) such employees.
392. It is the function of a committee and it has power to:
- 1) identify situations that may be a source of danger or hazard to employees;
 - 2) make recommendations to the employer and employees for the improvement of the health and safety of employees;

- 3) recommend the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of employees;
- 4) obtain information from the employer or other persons respecting,
 - a) the identification of potential or existing hazards of materials, processes or equipment, and
 - b) health and safety experience and work practices and standards in the same or similar industries;
- 5) maintain and keep minutes and records of its proceedings and make the same available for examination and review by an inspector or engineer.

Health and Safety Representatives

393. The Minister is empowered to order the selection of one or more health and safety representatives for a workplace, or any part or parts thereof, from among the employees employed at the workplace who do not exercise managerial functions and may from time to time give directions concerning the functions of such representative.
394. The selection of a health and safety representative must be made by the employees who do not exercise managerial functions whom the health and safety representative is to represent or by a trade-union or trade-unions where it or they represent(s) the employees.
395. A health and safety representative is given power to inspect the workplace at such intervals as provided in the Act, to identify situations that may be a source of danger or hazard to employees and to make recommendations or report his findings to the employer, employees, one or more trade-unions representing employees and a joint health and safety committee, if any, for the improvement of the health and safety of workers.
396. A health and safety representative must be notified of any accident at a workplace that causes serious injury or death and may investigate them and report his findings to the joint health and safety committee, if any.

Opportunity to Accompany Inspector or Engineer

397. An employer is required to permit a health and safety representative, if any, an employee authorized by a trade-union or trade-unions, if any, or where there is no trade-union an employee authorized by the employees to represent them, to accompany an inspector or engineer during his physical inspection of a workplace or any part or parts thereof.

398. Where there is no health and safety representative or authorized representative, the inspector or engineer must consult during his physical inspection, with a reasonable number of the employees concerning matters of health and safety at their work.

Statistics on Work Accidents and Occupational Illnesses

399. Upon the request of an employee or a trade-union, the Workmen's Compensation Board must send to the appropriate employer an annual summary of data relating to him, dealing with work accidents and occupational illnesses statistics as enumerated in the Act.
400. Upon receipt of the annual summary, the employer must furnish a copy to the joint health and safety committee, if any, and to any trade-union concerned. Where there is no trade-union, a copy must be posted in a conspicuous place or places where it is most likely to come to the attention of the employees.
401. The provisions just mentioned will come into force on proclamation.

Protection Against Disciplinary Action

402. No employer or person acting on his behalf may:

- 1) dismiss or threaten to dismiss an employee;
- 2) discipline or suspend or threaten to discipline or suspend an employee;
- 3) impose any penalty upon an employee; or
- 4) intimidate or coerce an employee,

because such employee has acted in compliance with the Act.

403. An employee who complains that an employer has contravened the provision described in the previous paragraph, may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board.
404. On an inquiry by the Ontario Labour Relations Board into such a complaint, the burden of proof that there was no contravention with the provision of the Act concerned (see paragraph before last), lies upon the employer or person acting on his behalf.

Penalties

405. Every employer who (1) fails to comply with an order made under the provisions dealing with the establishment of a joint health and safety committee or committees or the selection of one or more health and safety

representatives or (2) contravenes a provision of the Act is guilty of an offence and is liable on summary conviction, to a maximum fine of \$10,000 or to imprisonment for a term of not more than 12 months, or to both.

Legislation Now Administered by the Ministry of Labour

406. The administration of Part IX "Operation of Mines" of the Mining Act has been transferred from the Ministry of Natural Resources to the Ministry of Labour except for a section of the Act dealing with statistical returns. Also, the Silicosis Act is now administered by the Ministry of Labour; formerly the Ministry of Health was the enforcing authority.
407. In Prince Edward Island, a new section dealing with safety measures to be followed during logging operations has been incorporated into the Industrial Safety Regulations issued under the Worker's Compensation Act. This section became effective July 24, 1976.
408. Québec has amended its regulations concerning industrial and commercial establishments under the Industrial and Commercial Establishments Act.
409. Certain provisions respecting powered portable chain saws have been added to the regulations and became effective January 1, 1977.
410. There was, also, an amendment to a provision of the regulations dealing with the protection of respiratory passages. The legislation now stipulates that where it is impossible to reduce the concentration of noxious vapours or gases, fumes, dusts or other harmful or noxious substances to a level below the maximum permissible level prescribed by the regulations, the head of the establishment must provide the exposed worker with breathing apparatus recognized by the National Institute of Safety and Health of the United States (NIOSH).

Fire Protection

411. Nova Scotia has issued a new Fire Prevention Act which was assented to May 20, 1976.
412. The Act is a revision of the former Fire Prevention Act. Certain provisions of the old Act, considered obsolete by 1976 standards, have been removed or brought in line with modern fire protection and prevention practices.

Elevating Devices

413. In Newfoundland, the regulations made under the Elevators Act have been revised and new Elevators Regulations, 1976 have been adopted.

Electrical Safety

414. Effective October 20, 1976, New Brunswick has issued a new lightning rod regulation under the Electrical Installation and Inspection Act.

Building Code

415. On December 1, 1976, Québec has adopted a newly prepared building code under the Industrial and Commercial Establishments Act and the Public Buildings Safety Act.
416. In Manitoba, a proclamation was passed to bring the entire Buildings and Mobile Homes Act into force on April 1, 1977 (various provisions had been proclaimed effective as of February 1, 1976).
417. Regulations issued under the Act and coming into force on April 1, 1977, provide for the adoption of a building construction code which will apply to all new buildings more than ten square meters in area. Farm buildings, other than dwellings, are specifically excluded. Other exclusions may be made by regulations.

Proclamations

418. New Brunswick has issued a proclamation bringing into force on July 14, 1976, the Boiler and Pressure Vessel Act, the Electrical Installation and Inspection Act and the Plumbing Installation and Inspection Act.
419. In Manitoba the Power Engineers Act assented to June 14, 1974 has been proclaimed effective as of January 1, 1977. A new regulation made under the Act came into force on the same date.

VI. WORKERS' COMPENSATION

420. During the last seven months, Alberta, Manitoba, Newfoundland and Nova Scotia have passed acts to amend their workers' compensation legislation. Amendments were also made in British Columbia, Saskatchewan and in the federal jurisdiction.
421. Among the changes, Manitoba has extended the coverage of its Workers' Compensation Act and certain jurisdictions have brought increases to the maximum insurable earnings and to the benefits paid to disabled workers or their dependants.

Coverage

422. In Manitoba, an Act to amend the Workers' Compensation Act extends coverage to members of municipal or community voluntary ambulance services. Farm labourers will also be brought under coverage when the appropriate provisions of the Act are proclaimed into force. The agricultural industry will include general farming, dairy farming, stock farms, feed lots, production of beets, potatoes or special crops, custom harvesting, poultry farming, fur farms, landscaping, hatcheries, beekeeping, mushroom plants, green houses, nurseries and market gardening.
423. Unless an application is made to be admitted within the scope of Part I of the Act, this Part will not apply to (1) a member of a communal farming operation (2) a participant in a farming operation operated jointly by two or more persons as between whom the relationship of employee and employer does not exist or (3) a participant in a work or labour exchange arrangement between farmers as between whom the relationship of employee and employer does not exist.
424. Alberta has made an amendment to the General Regulations under the Workers' Compensation Act stipulating that the Act does not apply to workers when they are participating in competitive sports.

Earnings Ceiling

425. In Alberta, the earnings ceiling has been increased from \$13,000 to \$14,500 a year and in Newfoundland from \$10,500 to \$12,000 a year. This is in respect of accidents occurring on or after July 1, 1976.
426. Effective January 1, 1977, the maximum annual wage rate has been raised from \$13,600 to \$15,600 in British Columbia, from \$15,000 to \$16,000 in Manitoba and from \$14,000 to \$16,000 in Saskatchewan.
427. In the federal jurisdiction, the maximum rate of earnings provided in the Merchant Seamen Compensation Act, went up from \$9,000 to \$12,000 per year.

Benefits to Dependants

428. Effective July 1, 1976, the Alberta Workers' Compensation Amendment Act, 1976 brought increases in the income of dependants.
429. The monthly pension payable to a dependent widow or widower receiving compensation in respect of an accident that occurred on or between January 1, 1974 and June 30, 1976, has been increased by a factor of 10.5 per cent. The minimum pension is \$405 per month with no special allowance for dependent children.
430. If the accident occurred before January 1, 1974, a dependent widow or widower now receives a monthly payment of \$320 plus an allowance of \$90 per month for each eligible dependent child. Foster parents receive the pension and the child allowance just mentioned. If there is more than one foster parent arrangement, the pension is shared and child allowance is paid according to the number of children cared for.
431. The lump sum to which a dependent widow or widower is entitled in case of remarriage on or after July 1, 1976, has been raised to \$3,840.
432. When a dependent widow or widower dies or remarries on or after July 1, 1976, a monthly amount of \$90 must be paid to each eligible dependent child who is not being maintained as a foster child.
433. In Manitoba, the widow or invalid widower of a worker who died before January 1, 1974 now receives a monthly payment of \$310 compared to \$250 previously. The allowance for a child under 16 went up from \$70 to \$77 a month and from \$80 to \$88 when he/she is an orphan. The monthly amount paid in respect of a child of 16 years or over continuing his education and still entitled to benefits was increased from \$80 to \$88 and from \$90 to \$99 when he/she is an orphan.
434. The allowance granted to a workman's mother who was wholly dependent upon his earnings, has been raised from \$250 to \$310 a month.
435. In the case of a worker's death that occurred between December 31, 1973 and July 1, 1976, the dependent widow or invalid widower receives the greater of:
- 1) the permanent total disability pension the worker would have received if he had survived; or
 - 2) the compensation paid in respect of a death that occurred before 1974 (as outlined previously).
436. The same applies where a worker dies after June 30, 1976 except that compensation is paid without regard to whether the spouse is an invalid or not.

437. The lump sum payment in fatal accident cases which had been \$650, payable to the widow or foster-parent, has been increased to \$750 for a death occurring on or after June 11, 1976. Also, it has been made payable to the surviving spouse or if there is no surviving spouse, to the deceased workman's estate or such person as the Workers' Compensation Board determines.
438. Effective July 20, 1976, amendments to the Newfoundland Workmen's Compensation Act have increased funeral costs to a maximum of \$500 for a deceased worker and the costs of transporting the body to a maximum of \$150 from a maximum of \$400 and \$125 respectively.
439. The monthly pension to a widow or invalid widower has been raised from \$225 to \$250. Also, the allowance in respect of a dependent child under 16 went up from \$50 to \$60 per month.
440. In the federal jurisdiction, benefits for dependants of merchant seamen covered by the Merchant Seamen Compensation Act, have been increased by Order in Council.
441. The maximum expenses of burial payable at the death of a seaman, have been upgraded from \$400 to \$450.
442. The monthly pension to a widow or invalid widower has been raised from \$175 to \$250 with an additional monthly payment of \$55 (previously \$45) for each eligible dependent child. The allowance paid in respect of an orphan child entitled to benefits under the Act, has been increased to \$70 per month.
443. The lump sum payable to a widow or foster mother, in the case of a seaman's death, went up from \$400 to \$500.

Disability Benefits

444. In Alberta, Manitoba, Newfoundland and the federal jurisdiction, the minimum compensation for permanent total disability and temporary total disability was increased as follows:

	<u>Permanent Total</u>	<u>Temporary Total</u>
Alberta	\$405 per month (formerly \$365)	weekly equivalent of permanent total*
Manitoba	\$400 per month* (formerly \$250)	\$400 per month* (formerly \$250)
Newfoundland	\$379.50 per month (formerly \$345)	\$69.23 per week* (no change)
Federal (Merchant Seamen)	\$75 per week* (formerly \$45)	\$75 per week* (formerly \$45)

*or earnings, if less.

445. For permanent partial disability, the minimum is in proportion to the percentage of disability assessed (Alberta, Manitoba) or proportionate to the impairment of earning capacity (Newfoundland and federal (merchant seamen)).
446. In Alberta, effective July 1, 1976, all existing permanent disability pensions have been increased by 10.5 per cent with a minimum of \$405 per month for permanent total disability and a proportionate monthly amount for permanent partial disability.
447. Effective July 1, 1976, Manitoba has raised past permanent disability awards by 22.9 per cent for accidents which happened before January 1, 1974 and by 10.4 per cent for those between December 31, 1973 and January 1, 1975. However, this does not apply in respect of a person receiving compensation for a partial disability of less than 10 per cent.
448. The minimum compensation for a total disability that occurred before July 1, 1976 has been increased from \$250 to \$400 per month. For permanent partial disability the minimum is a proportion of \$400 in accordance with the degree of disability determined by the Board, unless the impairment does not exceed 10 per cent.
449. Amendments to the Newfoundland Workmen's Compensation Act have increased the amount of compensation payable to a worker having a permanent disability by 15 per cent, on July 20, 1976, in respect of an accident that occurred before January 1, 1974 and by 10 per cent, on January 20, 1977, in respect of an accident that occurred before January 1, 1976. However this does not apply in the case of a permanent partial disability in respect of which a lump sum has been paid before July 1, 1976.

Compensable Diseases

450. In Nova Scotia an addition to the Workmen's Compensation Act stipulates that any coal miner who has worked at the face of a mine or in similar conditions for 25 years or more and who suffers from a demonstrable loss of lung function about which there is doubt as to whether or not it is pneumoconiosis or silicosis and which cannot be attributed to any other cause will be compensated according to his disability.

Protection of Workers Against Legal Action

451. Effective July 1, 1976 an amendment to the Alberta Workers' Compensation Act states that when a worker suffers a compensable accident, neither himself, his dependants, his legal representative or his employer has any cause for legal action against any employer or against any worker of an employer in any industry to which the Act applies.

Index of Bills - June 1, 1976 - December 31, 1976

Legislature	Bill No.	Title	Disposition
Federal		<u>Government Bills</u>	
	C-14	An Act to provide for the resumption and continuation of long-shoring and related operations at the port of Halifax	Passed 22/10/76
	C-25	The Canadian Human Rights Act	1st Reading 29/11/76
		<u>Private Members' Bills</u>	
	C-255	An Act respecting the conditions under which public servants may accept employment upon leaving the public service	1st Reading 22/10/76
	C-271	An Act to amend the Public Service Staff Relations Act and the Canada Labour Code (strike vote)	1st Reading 22/10/76
	C-285	An Act to amend the Public Service Staff Relations Act (strike ballots)	1st Reading 22/10/76
	C-312	An Act to amend the Public Service Staff Relations Act	1st Reading 22/10/76
	C-315	An Act to amend the Public Staff Relations Act and the Canada Labour Code to provide for the establishment of sector bargaining	1st Reading 22/10/76

Index of Bills - June 1, 1976 - December 31, 1976

Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u>	
	C-358	An Act respecting employment with the Government of Canada not covered by the Public Service Employment Act	1st Reading 22/10/76
	C-359	An Act to amend the Public Service Staff Relations Act	22/10/76
	C-209	An Act Respecting Noise in Factories	2nd Reading 14/12/76
	C-276	An Act to amend the Interpretation Act	1st Reading 22/10/76
	C-279	An Act to amend the National Defence Act	1st Reading 22/10/76
	C-280	An Act to amend the Department of Manpower and Immigration Act (handicapped persons)	1st Reading 22/10/76
	C-302	An Act to amend the Immigration Act (mental retardation)	1st Reading 22/10/76
	C-211	An Act respecting Sir John A. MacDonald Day	1st Reading 22/10/76
	C-241	An Act to amend the Canada Labour Code (three weeks' annual vacation after three years)	1st Reading 22/10/76
	C-250	An Act to amend the Canada Labour Code (increased minimum hourly wage)	1st Reading 22/10/76

Index of Bills - June 1, 1976 - December 31, 1976

Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u>	
	C-252	An Act to amend the Canadian Citizenship Act (time off without loss of pay for appearance in Citizenship Court)	1st Reading 22/10/76
	C-264	An Act to amend the Canada Labour Code (provision for ten general holidays with pay)	1st Reading 22/10/76
	C-321	An Act respecting National Heritage Day	1st Reading 22/10/76
	C-331	An Act respecting Magna Carta Day	1st Reading 22/10/76
	C-334	An Act proclaiming the Canadian Flag Day a national holiday	1st Reading 22/10/76
	C-348	An Act to amend the Holidays Act	1st Reading 22/10/76
	C-365	An Act to amend the Canada Labour Code (three weeks' annual vacation)	1st Reading 25/10/76
	C-373	An Act to amend the Holidays Act	1st Reading 25/10/76
	C-232	An Act to amend the Canada Labour Code	1st Reading 22/10/76
	C-239	An Act to amend the Canada Labour Code	1st Reading 22/10/76

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Legislature	Bill No.	Title	Disposition
Alberta		<u>Government Bills</u>	
	33	The Civil Service Association of Alberta Repeal Act	Royal Assent 19/05/76
	83	The Police Amendment Act	2nd Reading 25/10/76
	69	The Alberta Labour Amendment Act, 1976	2nd Reading 20/10/76
	24	The Attorney General Statutes Amendment Act, 1976 (Garagemen's Lien Act)	Royal Assent 4/11/76
	39	The Occupational Health and Safety Act	Royal Assent 19/05/76
	41	The Workers' Compensation Amendment Act, 1976	Royal Assent 19/05/76
	89	The Radiological Technicians Amendment Act, 1976	Royal Assent 04/11/76
	52	The Manpower Development Act	Royal Assent 19/05/76
	68	The Ombudsman Amendment Act	Royal Assent 04/11/76
		<u>Private Members' Bills</u>	
	239	Blind Persons Guide Dog Act	1st Reading 29/10/76
	220	An Act to amend the Fire Prevention Act	2nd Reading 08/04/76
British Columbia		<u>Government Bills</u>	
	74	The Attorney General Statutes Amendment Act, 1976 (Payment of Wages Act)	Royal Assent 30/06/76

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Legislature	Bill No.	Title	Disposition
British Columbia (continued)	<u>Government Bills</u>		
	83	Public Construction Fair Wages Act	Royal Assent 30/06/76
	77	Labour Code of British Columbia Amendment Act, 1976	Royal Assent 30/06/76
	48	Ombudsman Act	1st Reading 02/06/76
	55	Public Schools Amendment Act, 1976	3rd Reading 28/06/76
	58	Railway and Ferries Bargaining Assistance Act	Royal Assent 14/06/76
	75	Hospital Services Collective Agreement Act	Royal Assent 09/06/76
	81	Public Service Act	Proclaimed 06/07/76 (except part III)
	82	Public Service Labour Relations Amendment Act, 1976	3rd Reading 29/06/76
	<u>Private Members' Bills</u>		
	79	Access to Information Act	1st Reading 15/06/76
Manitoba	<u>Government Bills</u>		
	57	An Act to amend the Labour Relations Act	Royal Assent 11/06/76
	91	An Act to amend the Queen's Bench Act and the Petty Trespasses Act	Royal Assent 11/06/76

Index of Bills - June 1, 1976 - December 31, 1976

Legislature	Bill No.	Title	Disposition
Manitoba (continued)		<u>Government Bills</u>	
	14	An Act to amend the Employment Standards Act	Royal Assent 11/06/76
	15	An Act to amend the Vacations with Pay Act	Royal Assent 11/06/76
	85	An Act to amend the Employment Standards Act(2)	Royal Assent 11/06/76
	62	An Act to amend the Human Rights Act	Royal Assent 11/06/76
	16	An Act to amend the Workers' Compensation Act	Royal Assent 11/06/76
	23	The Pesticides and Fertilizers Control Act	Royal Assent 03/06/76
	83	The Workplace Safety and Health Act	Royal Assent 11/06/76
	64	An Act to amend the Civil Service Act	Royal Assent 11/06/76
New Brunswick		<u>Government Bills</u>	
	56	An Act to amend the Schools Act	Royal Assent 24/06/76
	57	An Act to amend the Human Rights Act	Royal Assent 24/06/76
	84	An Act to amend the Ombudsman Act	Royal Assent 24/06/76
	26	An Act to amend the Vacation Pay Act	Royal Assent 24/06/76
	27	An Act to amend the Industrial Standards Act	Royal Assent 24/06/76

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Legislature	Bill No.	Title	Disposition
New Brunswick (continued)		<u>Government Bills</u>	
	77	An Act to amend the Minimum Employment Standards Act	Royal Assent 24/06/76
	78	An Act to repeal the Female Employees Fair Remuneration Act	Royal Assent 24/06/76
	81	An Act to amend the Minimum Wage Act	Royal Assent 24/06/76
	42	An Act to amend the Pesticides Control Act	Royal Assent 24/06/76
	82	Plumbing Installation and Inspection Act	Royal Assent 24/06/76
	85	Occupational Safety Act	Royal Assent 24/06/76
Newfoundland		<u>Government Bills</u>	
	87	An Act to amend the Newfoundland Teacher (Collective Bargaining) Act, 1973	N.A.
	47	An Act to amend the Workmen's Compensation Act	Royal Assent 11/06/76
	75	The Labour Relations Act, 1976	2nd Reading 11/06/76
	17	An Act further to amend the Child Welfare Act, 1972	Royal Assent 11/06/76
Northwest Territories		An Ordinance to amend the Labour Standards Ordinance	Royal Assent 17/06/76

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Legislature	Bill No.	Title	Disposition
Nova Scotia		<u>Government Bills</u>	
	10	An Act to revise Chapter 107 of the Revised Statutes, 1967, the Fire Prevention Act	Royal Assent 20/05/76
	124	An Act to amend Chapter 343 of the Revised Statutes, 1967, the Workmen's Compensation Act	Royal Assent 20/05/76
		<u>Private Members' Bills</u>	
	38	An Act to amend Chapter 136 of the Act of 1973, an Act to Incorporate the Nova Scotia Government Employees' Association	Royal Assent 20/05/76
	130	An Act to amend Chapter 109 of the Acts of 1968, the Teaching Profession Act	Royal Assent 20/05/76
	3	An Act to repeal Section 159N of the Revised Statutes 1967, the Workmen's Compensation Act	1st Reading 25/02/76
	28	An Act to amend Chapter 343 of the Revised Statutes 1967, the Workmen's Compensation Act	1st Reading 09/03/76
	58	An Act to amend Chapter 19 of the Acts of 1972, the Trade Union Act	1st Reading 29/03/76
		<u>Government Bills</u>	
Ontario	87	An Act to amend the Education Act, 1974	Royal Assent 22/06/76

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Legislature	Bill No.	Title	Disposition
Ontario (continued)	<u>Government Bills</u>		
	139	An Act respecting Employees' Health and Safety	Royal Assent 16/12/76
	176	An Act to amend the Labour Relations Act	1st Reading 02/12/76
	<u>Private Members' Bills</u>		
	129	An Act to provide Political Rights for Public Servants	1st Reading 15/07/76
	142	An Act to amend the Hospital Labour Disputes Arbitration Act	1st Reading 26/10/76
	30	An Act to amend the Labour Relations Act	1st Reading 18/03/76
	107	An Act to amend the Labour Relations Act	1st Reading 10/06/76
	111	An Act to amend the Labour Relations Act	1st Reading 15/06/76
	112	An Act to amend the Labour Relations Act	1st Reading 15/06/76
	113	An Act to amend the Labour Relations Act	1st Reading 15/06/76
	114	An Act to amend the Labour Relations Act	1st Reading 15/06/76
	115	An Act to amend the Labour Relations Act	1st Reading 15/06/76
	116	An Act to amend the Labour Relations Act	1st Reading 15/06/76
	117	An Act to amend the Labour Relations Act	1st Reading 15/06/76

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Legislature	Bill No.	Title	Disposition
Ontario (continued)	<u>Private Members' Bills</u>		
	118	An Act to amend the Labour Relations Act	1st Reading 15/06/76
	119	An Act to amend the Labour Relations Act	1st Reading 15/06/76
	184	An Act to amend the Labour Relations Act	1st Reading 07/12/76
	103	An Act to amend the Employment Standards Act, 1974	1st Reading 08/06/76
	120	An Act to amend the Retail Business Holidays Act, 1975 (2nd Session)	1st Reading 16/06/76
	125	An Act to amend the Employment Standards Act, 1974	1st Reading 17/06/76
	24	An Act relating to the Installation of Automatic Fire Extinguishing Systems in Buildings	1st Reading 16/03/76
	32	An Act to provide for the establishment of safety committees	1st Reading 18/03/76
	92	An Act for the Promotion and Protection of the Health and Safety of Persons engaged in Occupations	1st Reading 27/05/76
	143	An Act respecting Toxic and Hazardous Substances	1st Reading 26/10/76
	144	An Act respecting the Collection of Occupational Health Data	1st Reading 26/10/76

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Legislature	Bill No.	Title	Disposition
Ontario (continued)	<u>Private Members' Bills</u>		
	145	An Act respecting the Ensuring of Rights of Employees to Refuse to Perform Work that is Dangerous to their Health or Safety	1st Reading 26/10/76
	146	An Act respecting Health and Safety Committees	1st Reading 26/10/76
	147	An Act respecting the Establishment of Worker-Inspectors in the Workplace	1st Reading 26/10/76
	163	An Act to amend the Construction Safety Act, 1973	1st Reading 18/11/76
	178	An Act to amend the Workmen's Compensation Act	1st Reading 02/12/76
	180	An Act to amend the Workmen's Compensation Act	1st Reading 02/12/76
	181	An Act to amend the Pension Benefits Act	1st Reading 02/12/76
Québec	182	An Act to amend the Workmen's Compensation Act	1st Reading 06/12/76
	<u>Government Bills</u>		
	61	An Act respecting health services in certain establishments	Royal Assent 24/07/76
	55	An Act respecting the protection of handicapped persons	1st Reading 28/06/76

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Legislature	Bill No.	Title	Disposition
Québec (continued)		<u>Government Bills</u>	
	56	An Act to amend the Charter of Human Rights and Freedoms	Royal Assent 30/06/76
		<u>Private Members' Bills</u>	
	193	An Act to amend the Labour Code	1st Reading 25/05/76
Saskatchewan		<u>Government Bills</u>	
	3	The Limitation of Civil Rights Act	1st Reading 23/11/76
	38	An Act respecting Annual Holidays, Hours of Work, Minimum Wages and other Employment Standards	1st Reading 24/11/76
Yukon		<u>Government Bills</u>	
	1	Public Service Commission Ordinance	Royal Assent 27/05/76
	11	An Ordinance to amend the Public Service Staff Relations Ordinance	Royal Assent 03/12/76
	2	Electrical Protection Ordinance	Royal Assent 03/12/76



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